Newport News City Council
Regular City Council Meeting
March 26, 2019
City Council Chambers

7:00 p.m.
A. Call to Order
B. Invocation
   • Pastor Chris Hallaren, Grace Church
C. Pledge of Allegiance to the Flag of the United States of America
   • Boy Scouts of America, Troop 6, Warwick United Methodist Church
D. Presentations
   1. Proclamation: National Fair Housing Month - April 2019
E. Public Hearings
   1. Ordinance Authorizing the City Manager to Execute a Deed of Easement
      By and Between the City of Newport News, Virginia and Virginia Electric
      and Power Company, d/b/a Dominion Energy Virginia for an Easement
      Across City-Owned Property Located at 100 City Farm Road (Riverview
      Farm Park)
   2. Ordinance Authorizing the City Manager to Execute a Deed of Easement
      By and Between the City of Newport News, Virginia and Virginia Electric
      and Power Company, d/b/a Dominion Energy Virginia for an Easement
      Across a Portion of City-Owned Property Located at 6940 Huntington
      Avenue (Huntington Heights Park)
   3. Ordinance Authorizing Change of Zoning No. CZ-2019-0001, to
      Landlovers, LLC, from C1 Retail Commercial to R5 Low Density Multiple-
      Family Dwelling with Proffers Located at 14307 Old Courthouse Way
F. Consent Agenda
   1. Minutes of the Special Meeting of March 12, 2019
   2. Minutes of the Work Session of March 12, 2019
   3. Minutes of the Regular Meeting of March 12, 2019

G. Other City Council Actions
   1. Ordinance Authorizing and Directing the City Manager to Execute Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of a Portion of City-Owned Property at 610-26th Street to the Economic Development Authority (EDA) of the City of Newport News, Virginia
   2. Resolution Authorizing the Formation of the Ashe Manor, LLC by the Newport News Redevelopment and Housing Authority
   3. Resolution Authorizing and Directing the City Manager to Execute the Urban Project Construction Agreement By and Between the Commonwealth of Virginia, Department of Transportation (VDOT) and the City of Newport News, Virginia (City) for the Denbigh Boulevard Interchange Justification Review (IJR)
   4. Resolution Authorizing and Directing the City Manager to Execute Any and All Documents Necessary to Effectuate the Agreement Between the City of Newport News, Virginia and the Department of the Army for the James River Shoreline Emergency Streambank and Shoreline Protection Feasibility Study
   5. Resolution Approving the Issuance by Newport News Redevelopment and Housing Authority (NNRHA) of Its Multi-Family Housing Revenue Bonds for the Acquisition, Construction, Renovation, Rehabilitation and Equipping of the Ivy Farms Apartments Project

H. Appropriations
   1. None Submitted

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. Cherry
   5. Harris
   6. Jenkins
   7. Price
8. Scott
9. Vick
10. Woodbury

K. Adjourn

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

B. Invocation – Pastor Chris Hallaren, Grace Church

C. Pledge of Allegiance to the Flag of the United States of America – Boy Scouts of America, Troop 6, Warwick United Methodist Church

D. Presentations
E. Public Hearings

1. Ordinance Authorizing the City Manager to Execute a Deed of Easement By and Between the City of Newport News, Virginia and Virginia Electric and Power Company, d/b/a Dominion Energy Virginia for an Easement Across City-Owned Property Located at 100 City Farm Road (Riverview Farm Park)

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA FOR AN EASEMENT ACROSS A PORTION OF CITY-OWNED PROPERTY LOCATED AT 100 CITY FARM ROAD (RIVERVIEW FARM PARK).

**BACKGROUND:** • At its Regular March 12, 2019 meeting, City Council received one (1) bid in response to a request to receive bids for a utility easement on a portion of City-owned property at 100 City Farm Road (Riverview Farm Park).

• The successful bidder was Dominion Energy Virginia, with a bid of $1.00.

• The easement is needed to provide electricity to three (3) picnic shelters.

• The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**

Description
Memo to HCC re 100 City Farm Rd Utility Easement 3.20.19
Riverview_Easement_I
sdm16764 Authorizing re Deed of Easement (100 City Farm Rd)
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: 100 City Farm Road Utility Easement

City Council received and opened bids at the March 12, 2019 meeting to grant a 15-foot-wide utility easement on a portion of City-owned property located at 100 City Farm Road (Riverview Farm Park) as shown on the attached Plat Number 22-18-0113.

The proposed non-exclusive utility easement will allow for electric service to be provided to 3 picnic shelters at the park. Virginia Electric Power Company (d/b/a Dominion Energy Virginia) was the successful bidder in the bidding process with a bid of $1.00.

The required hearing on the adoption of an ordinance authorizing the execution of a Deed Easement to the successful bidder was advertised for the March 26, 2019 City Council meeting.

I recommend approval.

Cynthia D. Rohlf

CDR:AKA:wmp

Attachment

cc: Michael D. Poplawski, Director, Department of Parks and Recreation
PROPERTY OWNER: CITY OF NEWPORT NEWS
Parcel ID: 190000101

Note:
Location of facilities as installed determine the centerline of the right-of-way herein granted on the property owner.

LEGEND
- Location of Boundary Lines of Right-of-Way 15' in Width
- Indicates Property Line is Right-of-Way Boundary

District PENINSULA
District-Township-Borough  County-City
Peninsula

Scale NTS
22-18-0108

PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT

Virginia Electric and Power Company doing business as Dominion Energy Virginia

DATE 10.30.2018
BY SHUKHRAT SABIROV

OWNER INITIALS _____________
ORDINANCE NO. __________

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA, DATED THE 26TH DAY OF MARCH, 2019, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 100 CITY FARM ROAD, NEWPORT NEWS, VIRGINIA.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Deed of Easement by and between the City of Newport News, Virginia, and Virginia Electric and Power Company, d/b/a Dominion Energy Virginia, dated the 26th day of March, 2019, for an easement across City-owned property located at 100 City Farm Road, Newport News, Virginia.

2. That a copy of the said Deed of Easement is attached hereto and made a part hereof.
THIS DEED OF EASEMENT, made this 26th day of March, 2019, between the CITY OF NEWPORT NEWS, a municipal corporation of the Commonwealth of Virginia, hereinafter called "GRANTOR" and VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA, hereinafter called "GRANTEE," whose mailing address is 902 G. Street, Hampton, Virginia 23661.

NOTICE TO LANDOWNER: YOU ARE CONVEYING RIGHTS TO A PUBLIC SERVICE CORPORATION. A PUBLIC SERVICE CORPORATION MAY HAVE THE RIGHT TO OBTAIN SOME OR ALL OF THESE RIGHTS THROUGH EXERCISE OF EMINENT DOMAIN. TO THE EXTENT THAT ANY OF THE RIGHTS BEING CONVEYED ARE NOT SUBJECT TO EMINENT DOMAIN, YOU HAVE THE RIGHT TO CHOOSE NOT TO CONVEY THOSE RIGHTS AND YOU COULD NOT BE COMPELLED TO DO SO. YOU HAVE THE RIGHT TO NEGOTIATE COMPENSATION FOR ANY RIGHTS THAT YOU ARE VOLUNTARILY CONVEYING.

WITNESSETH:

That for the sum of One Dollar ($1.00), cash in hand paid, and other valuable consideration, the receipt whereof is hereby acknowledged, GRANTOR grants unto GRANTEE, its successors and assigns, for a period of forty (40) years from the date of recordation of this deed of easement, the non-exclusive right, privilege and easement, approximately fifteen (15) feet in width, as shown on the Plat referenced below and attached hereto, to construct, operate and maintain one or more underground lines, and one or more lighting supports and lighting fixtures, as GRANTEE may from
time to time deem expedient or advisable, located on the easement hereinafter described, for the purpose of transmitting and distributing electric power by one or more circuits to GRANTOR, for provision of electric power to its facilities and for lighting and such other purposes as requested by GRANTOR; together with all wires, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, ground connections, meters, attachments, equipment, accessories and appurtenances desirable in connection therewith (hereinafter referred to as "facilities").

The said rights, privilege and easement extends over, under, through and across certain lands of GRANTOR, situated in the City of Newport News, Virginia, as shown on Plat No. 22-18-0108 attached hereto and made a part of this Deed of Easement; the location of said easement being shown in broken lines on said Plat, to which plat reference is made for a more particular and accurate description of the easement.

The facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, rebuild, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

GRANTEE shall at all times have the right to keep the easement clear of all buildings, structures, and other obstructions (except fences), trees, roots and undergrowth. All trees and limbs cut by GRANTEE shall, except as hereinafter provided, remain the property of GRANTOR. Trees cut by GRANTEE with merchantable trunks six (6) inches or more in diameter will be cut into lengths of not less than four (4) feet when requested by GRANTOR and will be placed in piles.
separate from other trees, limbs, and undergrowth cut by GRANTEE. All trees, limbs, roots and
other growth removed during the periodic maintenance of the easement by GRANTEE shall be
disposed of by GRANTEE, and after which GRANTEE shall restore the surface area affected by the
removal to a level grade safe for pedestrian travel.

For the purpose of constructing, inspecting, maintaining or operating its facilities on the
easement on the property of GRANTOR or on its easement on any other property, GRANTEE shall
have the right of ingress and egress over, upon and along such easement. If GRANTEE is unable
reasonably to exercise the right of ingress and egress over, upon and along the easement on the
property of GRANTOR, GRANTEE shall have such right of ingress and egress over the property
of GRANTOR adjacent to the easement. GRANTEE shall have the further right of ingress to and
egress from the easement over such private roads as may now or hereafter exist on the property of
GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such
private roads at any time. If there are no public or private roads reasonably convenient to the
easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR
adjacent to the easement and lying between public and private roads and the easement in such
manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

GRANTEE shall repair damage to roads, fences or other improvements and shall pay
GRANTOR for other damage done in the process of the construction, inspection, or maintenance
of GRANTEE's facilities, or in the exercise of its right of ingress and egress; GRANTEE shall be
liable for all damages resulting from its exercise of the right of ingress and egress across such
adjacent lands, provided GRANTOR gives written notice thereof to GRANTEE within sixty (60)
days after any property damage occurs.
GRANTOR, its successors and assigns, may use the easement for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with or endanger the construction, operation and maintenance of GRANTEE's facilities and provided that no buildings, structures or other obstructions (except fences) may be constructed on the easement.

In the event that GRANTEE fails or ceases to use the entire easement for a continuous period of two (2) or more years, then all rights and privileges hereby granted to GRANTEE shall forever cease and revert to GRANTOR by operation of law.

The rights, privileges, and easement conveyed pursuant to this Deed of Easement are in addition to, and not in substitution of, any other rights which may be available to GRANTEE to install its facilities on the property.

GRANTOR covenants that it is seized of and has the right to convey the said easement, rights and privileges; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be required.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its City Manager and its corporate seal to be hereunto affixed and attested by its City Clerk.

[SIGNATURE PAGE FOLLOWS]
CITY OF NEWPORT NEWS

By: _________________________________
   City Manager

ATTEST:

By: _________________________________
   City Clerk

By: _________________________________
   City Attorney

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

I, _________________________________, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the ___ day of _________________, ____ , do hereby certify that the CITY OF NEWPORT NEWS, by Cynthia D. Rohlf, its City Manager, and attested by Mabel Washington Jenkins, its City Clerk, whose names are signed to the foregoing writing, hereto annexed, have each acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ___ day of _________________, 2019.

_____________________________________
Notary Public
Registration No.: ______________________

sdm16765
PROPERTY OWNER: CITY OF NEWPORT NEWS
Parcel ID: 190000101

Note:
Location of facilities as installed determine the centerline of the right-of-way herein granted on the property owner.

LEGEND

--- Location of Boundary Lines of Easement 15' in Width.

--- Indicates Property Line is Easement

PLAT TO ACCOMPANY DEED OF EASEMENT

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as
Dominion Energy Virginia

DATE 10.30.2018
BY SHUKHRAT SABIROV

OWNER INITIALS
E. Public Hearings

2. Ordinance Authorizing the City Manager to Execute a Deed of Easement By and Between the City of Newport News, Virginia and Virginia Electric and Power Company, d/b/a Dominion Energy Virginia for an Easement Across a Portion of City-Owned Property Located at 6940 Huntington Avenue (Huntington Heights Park)

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA FOR AN EASEMENT ACROSS A PORTION OF CITY-OWNED PROPERTY LOCATED AT 6940 HUNTINGTON AVENUE (HUNTINGTON HEIGHTS PARK).

BACKGROUND: • At its Regular March 12, 2019 meeting, City Council received one (1) bid in response to a request to receive bids for a utility easement on a portion of City-owned property at 6940 Huntington Avenue (Huntington Heights Park).

• The successful bidder was Dominion Energy Virginia, with a bid of $1.00.

• The easement is needed to facilitate the relocation of a utility pole that will allow continued service to area residents and the park.

• The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:
Description
Memo to HCC re 100 City Farm Rd Utility Easement 3.20.19
HuntingtinHts_Easement_I
sdm16758 Authorizing re Deed of Easement (6940 Huntington Ave)
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: 6940 Huntington Avenue Utility Easement

City Council received and opened bids at the March 12, 2019 meeting to grant a utility easement on a portion of City-owned property located at 6940 Huntington Avenue (Huntington Heights Park) in order to relocate a utility pole, as shown on the attached Plat Number 22-18-0113.

The proposed non-exclusive utility easement will allow for continued electric service for the residents in the area as well as continue to provide electric service to the park. Virginia Electric Power Company (d/b/a Dominion Energy Virginia) was the successful bidder in the bidding process with a bid of $1.00.

The required hearing on the adoption of an ordinance authorizing the execution of a Deed Easement to the successful bidder was advertised for the March 26, 2019 City Council meeting.

I recommend approval.

Cynthia D. Rohlf

CDR: AKA:wmp

Attachment

cc: Michael D. Poplawski, Director, Department of Parks and Recreation
Customer to remove fence panel for access of material handler

Remove pole laying on garage in back corner of property due to tree. Set new pole near end of fence line on park side where staked. Refeed UG meter in park.

HG09
1 - 37.5 A

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POC Laci J Birch Phone # 757-928-2184
Designer LAC1002 Phone # N/A
Work Request # 10241040 Date 11/19/2018

Location 6936 HUNTINGTON AVE NEWPORT NEWS VA

INSTALL NEW LIFT POLE AT STAKED LOCATION AND REMOVE OLD LIFT POLE LAYING ON GARAGE. TRANSFER SECONDARY TO NEW POLE XST 71ST
ORDINANCE NO. __________

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA, DATED THE 26TH DAY OF MARCH, 2019, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 6940 HUNTINGTON AVENUE, NEWPORT NEWS, VIRGINIA.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Deed of Easement by and between the City of Newport News, Virginia, and Virginia Electric and Power Company, d/b/a Dominion Energy Virginia, dated the 26th day of March, 2019, for an easement across City-owned property located at 6940 Huntington Avenue, Newport News, Virginia.

2. That a copy of the said Deed of Easement is attached hereto and made a part hereof.
Easement Across Portion of 
Parcel # 282.0004-01 
6940 Huntington Avenue

Prepared By: 
City Attorney's Office 
2400 Washington Avenue 
Newport News, VA 23607 
Tel: (757) 926-8416 
Fax: (757) 926-8549

Title Insurance: Unknown

Consideration: $0

Exemption Claimed Under Section 
58.1-811.C.4. For Taxes Imposed by 
Section 58.1-802 on a Conveyance by 
a Virginia City.

THIS DEED OF EASEMENT, made this 26th day of March, 2019, between the CITY OF 
NEWPORT NEWS, a municipal corporation of the Commonwealth of Virginia, hereinafter called 
"GRANTOR" and VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION 
ENERGY VIRGINIA, hereinafter called "GRANTEE," whose mailing address is 902 G. Street, 
Hampton, Virginia 23661.

NOTICE TO LANDOWNER: YOU ARE CONVEYING RIGHTS TO A PUBLIC SERVICE CORPORATION. A PUBLIC SERVICE CORPORATION MAY HAVE THE RIGHT TO OBTAIN SOME OR ALL OF THESE RIGHTS THROUGH EXERCISE OF EMINENT DOMAIN. TO THE EXTENT THAT ANY OF THE RIGHTS BEING CONVEYED ARE NOT SUBJECT TO EMINENT DOMAIN, YOU HAVE THE RIGHT TO CHOOSE NOT TO CONVEY THOSE RIGHTS AND YOU COULD NOT BE COMPELLED TO DO SO. YOU HAVE THE RIGHT TO NEGOTIATE COMPENSATION FOR ANY RIGHTS THAT YOU ARE VOLUNTARILY CONVEYING.

WITNESSETH:

That for the sum of One Dollar ($1.00), cash in hand paid, and other valuable consideration, the receipt whereof is hereby acknowledged, GRANTOR grants unto GRANTEE, its successors and assigns, for a period of forty (40) years from the date of recordation of this deed of easement, the non-exclusive right, privilege and easement, approximately ten (10) feet in length and ten (10) feet in width, as shown on the Plat referenced below and attached hereto, to construct, operate and maintain one or more underground lines, and one or more lighting supports and lighting fixtures, as
GRANTEE may from time to time deem expedient or advisable, located on the easement hereinafter described, for the purpose of transmitting and distributing electric power by one or more circuits to Grantor, for provision of electric power to its facilities and for lighting and such other purposes as requested by Grantor; together with all wires, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, ground connections, meters, attachments, equipment, accessories and appurtenances desirable in connection therewith (hereinafter referred to as "facilities").

The said rights, privilege and easement extends over, under, through and across certain lands of GRANTOR, situated in the City of Newport News, Virginia, as shown on Plat No. 22-18-0113 attached hereto and made a part of this Deed of Easement; the location of said easement being shown in broken lines on said Plat, to which plat reference is made for a more particular and accurate description of the easement.

The facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, rebuild, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

GRANTEE shall at all times have the right to keep the easement clear of all buildings, structures, and other obstructions (except fences), trees, roots and undergrowth. All trees and limbs cut by GRANTEE shall, except as hereinafter provided, remain the property of GRANTOR. Trees cut by GRANTEE with merchantable trunks six (6) inches or more in diameter will be cut into lengths of not less than four (4) feet when requested by GRANTOR and will be placed in piles
separate from other trees, limbs, and undergrowth cut by GRANTEE. All trees, limbs, roots and other growth removed during the periodic maintenance of the easement by GRANTEE shall be disposed of by GRANTEE, and after which GRANTEE shall restore the surface area affected by the removal to a level grade safe for pedestrian travel.

For the purpose of constructing, inspecting, maintaining or operating its facilities on the easement on the property of GRANTOR or on its easement on any other property, GRANTEE shall have the right of ingress and egress over, upon and along such easement. If GRANTEE is unable reasonably to exercise the right of ingress and egress over, upon and along the easement on the property of GRANTOR, GRANTEE shall have such right of ingress and egress over the property of GRANTOR adjacent to the easement. GRANTEE shall have the further right of ingress to and egress from the easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement and lying between public and private roads and the easement in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

GRANTEE shall repair damage to roads, fences or other improvements and shall pay GRANTOR for other damage done in the process of the construction, inspection, or maintenance of GRANTEE's facilities, or in the exercise of its right of ingress and egress; GRANTEE shall be liable for all damages resulting from its exercise of the right of ingress and egress across such adjacent lands, provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after any property damage occurs.
GRANTOR, its successors and assigns, may use the easement for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with or endanger the construction, operation and maintenance of GRANTEE's facilities and provided that no buildings, structures or other obstructions (except fences) may be constructed on the easement.

In the event that GRANTEE fails or ceases to use the entire easement for a continuous period of two (2) or more years, then all rights and privileges hereby granted to GRANTEE shall forever cease and revert to GRANTOR by operation of law.

The rights, privileges, and easement conveyed pursuant to this Deed of Easement are in addition to, and not in substitution of, any other rights which may be available to GRANTEE to install its facilities on the property.

GRANTOR covenants that it is seized of and has the right to convey the said easement, rights and privileges; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be required.

**IN WITNESS WHEREOF**, GRANTOR has caused its corporate name to be signed hereto by its City Manager and its corporate seal to be hereunto affixed and attested by its City Clerk.

[SIGNATURE PAGE FOLLOWS]
CITY OF NEWPORT NEWS

By: ________________________________
    City Manager

ATTEST:

By: ________________________________
    City Clerk

By: ________________________________
    City Attorney

APPROVED AS TO FORM:

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

I, ________________________________, a Notary Public in and for the City and Commonwealth
aforesaid, whose commission expires on the ___ day of ________________, ____, do hereby
certify that the CITY OF NEWPORT NEWS, by Cynthia D. Rohlf, its City Manager, and attested
by Mabel Washington Jenkins, its City Clerk, whose names are signed to the foregoing writing,
hereto annexed, have each acknowledged the same before me in my City and Commonwealth
aforesaid.

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

________________________________________
Notary Public
Registration No.: ________________________

sdm16759
E. Public Hearings

3. Ordinance Authorizing Change of Zoning No. CZ-2019-0001, to Landlovers, LLC, from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with Proffers Located at 14307 Old Courthouse Way

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING CHANGE OF ZONING APPLICATION NO. CZ-2019-0001, TO LANDLOVERS, LLC FOR PROPERTY LOCATED AT 14307 OLD COURTHOUSE WAY, FROM C1 RETAIL COMMERCIAL TO R5 LOW DENSITY MULTIPLE-FAMILY DWELLING WITH PROFFERS.

**BACKGROUND:**
- The proffered rezoning will allow for the development of ten (10) new for sale residential units.
- The request is consistent with the *One City One Future 2040* Comprehensive Plan land use map designation.
- On March 6, 2019, the City Planning Commission voted unanimously 8:0 to recommend approval of the request.

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

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

- Memo to HCC re 14307 Old Courthouse Way Zoning Ordinance 3.20.19
- Staff Report and CPC Minutes
- sdm16793 CZ-2019-0001 re The Landlovers, LLC (14307 Old Courthouse Way)
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Change of Zoning No. CZ-2019-0001, Landlovers, LLC.

Landlovers, LLC is requesting a change of zoning for the property located at 14307 Old Courthouse Way from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers.

The proposed change of zoning is being requested to allow for the redevelopment of a 1.43-acre parcel that is adjacent to other residential uses. The proposed development will introduce new residential for sale units in an area that has not seen any new developments since 2007. It provides a new housing product with more green space than previous residential developments in the surrounding area.

The proposed change of zoning is consistent with the One City One Future 2040 Comprehensive Plan land use map and is compatible to the surrounding uses in the area. The proposed proffers will improve the property’s visual impact and limits the total unit count to no more than 10.

On March 6, 2019 the City Planning Commission voted unanimously 8:0 to recommend approval of the request to City Council.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR:sgd

Attachment

cc: Sheila W. McAllister, Director, Department of Planning
CHANGE OF ZONING APPLICATION NO. CZ-2019-0001
LANDLOVERS, LLC.

APPLICANT/OWNER  Landlovers, LLC.
LOCATION  14307 Old Courthouse Way
PRESENT USE  Abandoned single-family home
REQUEST  Change of zoning from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers.

ZONING  C1 Retail Commercial (Appendix A-1)
ONE CITY ONE FUTURE  Medium Density Residential (Appendix A-2)
ACREAGE  1.43 acres

FACTS

North  Nichols apartments and the Wedgewood condominiums on properties zoned C1 Retail Commercial and the Courthouse Estates condominiums on properties zoned R7 Medium Density Multiple-Family Dwelling
South  Apartments on property zoned C1 Retail Commercial
East  Apartments on property zoned C1 Retail Commercial
West  Pear Ridge single-family attached homes on properties zoned R5 Low Density Multiple-Family Dwelling

Zoning History  The property has been zoned C1 Retail Commercial since the citywide comprehensive rezoning became effective August 1, 1997. Prior to that the property was zoned C2 Retail Commercial which at the time permitted residential uses. The apartments surrounding the property were built in the late 1970s and early 80s and became non-conforming once the citywide rezoning became effective.
On June 18, 1985, the Board of Zoning Appeals approved special exception SE-1767 to allow for a Planned Residential Development (PRD) on the 6.4 acres abutting to the west of the property. The PRD was contingent on City Council approving the required rezoning. On June 25, 1985 City Council approved Ordinance No. 3340-85 approving CZ-85-137 from R1-B Single-Family Dwelling and R2-C Multiple-Family Dwelling to R2-A Townhouse Dwelling to permit the development of the Pear Ridge PRD. That designation was replaced with the equivalent R5 Low Density Multiple-Family Dwelling zoning designation as part of 1997 citywide rezoning.

On April 24, 2007, City Council approved change of zoning CZ-07-232 from C1 Retail Commercial to R7 Medium Density Multiple-Family Dwelling with proffers, for the property at 14256 Old Courthouse Way located across the street to the north of the property, known today as the Courthouse Estates condominiums.

Regulatory Review

A change of zoning from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers is being requested to allow for the redevelopment of the site for single-family attached residential uses. (See Appendix A-1 & A-4.)

Section 45-3405 of the zoning ordinance permits a property owner to offer proffers at the time of application for a change of zoning. If accepted by City Council, these proffers will govern the development and use of the property. (See Appendix-A-7.)

The ordinance requires a minimum width and site frontage of 70 feet and a minimum depth of 110 feet for lots for two-family dwellings. The conceptual site plan indicate a 5 lot 2 family development. All 5 lots exceed ordinance requirements. The proposed site plan also shows that the minimum 200 square feet privacy yard is being provided for each unit. The ordinance requires 1.5 parking spaces per dwelling unit, and the proposed development exceeds the requirement as 2-car garages are being provided for each unit. (See Appendix A-4 and A-6.)

The Site Regulations require that a landscape strip be located along all street frontages and that it be no less than 10 percent of the existing right-of-way width with a 10-foot minimum. A 10-foot landscape strip is required along both Old Courthouse Way as well as Wells Road; both are shown in the conceptual landscape plan. (See Appendix A-5.)

Storm water quantity and quality issues have been partially addressed in the Phase I environmental site assessment and conceptual site plan. These will be fully developed in detail for submission of a site plan.

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

The adopted One City One Future 2040 comprehensive plan land use map identifies medium density residential uses for the property. The proposed change of zoning is consistent with this recommendation. (See Appendix A-2.)

The Tabbs Lane Land Use Study, completed in January 2007, specifically included this area of Old Courthouse Way and Wells Road. The study made recommendations that were incorporated into the Framework for the Future 2030 and retained in the One City One Future 2040 comprehensive plan. Included in those recommendations was the amendment to the land use map to show the area as medium density residential.

ANALYSIS

The proposed change of zoning is being requested to allow for the redevelopment of a 1.43 acre parcel that includes an abandoned single-family residential structure that is adjacent to other residential uses. The proposed development will introduce new residential for sale units in an area that has not seen any new developments since the 2007 construction of the Courthouse Estates condominiums on Old Courthouse Way. The proposed development provides a new housing product with more open green space than previous residential developments in the surrounding area.

The proposed change of zoning from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers is in keeping with adjacent residential uses. The property is better suited for development as residential than commercial due to its location adjacent to other residential uses and lack of visibility from the Warwick Boulevard commercial corridor.

The applicant has voluntarily provided 4 proffers. The proffers address the overall development which include design, landscaping as well as limiting the development to 10 units. (See Appendix A-7.)

The proposed change of zoning and proffers provide the opportunity for a redevelopment that will improve the appearance of this area with new structures and the use of shared driveways that reduces the need for curbcuts. This allows for better and more extensive landscaping, as well as the addition of sidewalks on both Old Courthouse Way and Wells Road. The redevelopment could be a catalyst for other positive changes in the area such as the construction of more sidewalks and other improvements to adjacent older apartments, and stimulate revitalization.

CONCLUSION

The proposed change of zoning is consistent with the One City One Future 2040 comprehensive plan land use map. This use is compatible to the surrounding uses in the area. The proposed proffers will improve the property's visual impact by providing abundant landscaping and quality materials for the proposed buildings. It also limits the total unit count to no more than 10.
STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council approval of change of zoning CZ-2019-0001 for the approximately 1.43 acre property located at 14307 Old Courthouse Way from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers.

CPC RECOMMENDATION

On March 6, 2019, the Planning Commission voted unanimously (8:0) to recommend to City Council approval of change of zoning CZ-2019-0001 for the approximately 1.43 acre property located at 14307 Old Courthouse Way from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers.
APPENDIX

A-1 VICINITY/ZONING MAP
A-2 *ONE CITY ONE FUTURE* LAND USE MAP
A-3 AERIAL
A-4 CONCEPTUAL SITE PLAN
A-5 LANDSCAPE PLAN
A-6 ELEVATIONS AND FLOOR PLANS
A-7 PROFFERS
A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MARCH 6, 2019
STORM WATER CONFIGURATION IS CONCEPTUAL ONLY AND WILL BE DETERMINED DURING SITE PLAN REVIEW, IN ACCORDANCE WITH CITY OF NEWPORT NEWS SITE PLAN REVIEW.

PREPARED BY:

PENNONI ASSOCIATES INC.

349 Southport Circle, Suite 100
Virginia Beach, VA 23452
T 757.497.7472
F 757.497.2260

PRELIMINARY CONCEPTUAL SITE PLAN FOR COURTHOUSE ESTATES SUBDIVISION 14307 OLD COURTHOUSE WAY NEWPORT NEWS, VA

SCALE: 1"=20' 1/7/2019
GREEN AREA CALCULATIONS:

SITE:
OVERALL SITE AREA (PROPOSED): 56,320 SF
REQUIRED GREEN AREA
35% OF OVERALL SITE AREA: 19,212 SF

TREES & SHRUBS:
3 TREE & 2 SHRUBS FOR EVERY 400 SF GREEN AREA:
30 TREES
42 SHRUBS

REQUIRED FRONTAGE
3' LANDSCAPE STRIP ALONG R/W
TREES & SHRUBS:
1 TREE FOR EVERY 30 FT FRONTAGE (WELLS ROAD):
OLD COURTHOUSE WAY:
8 TREES, MIXED SHRUBS
8 TREES, MIXED SHRUBS

CONCEPT PLANT SCHEDULE

- LARGE DECIDUOUS TREE
- LARGE EVERGREEN TREE
- MULTI-STEMMED TREE
- SMALL EVERGREEN TREE
- SMALL DECIDUOUS TREE
- LARGE EVERGREEN SHRUB
- SMALL EVERGREEN SHRUB
- SMALL DECIDUOUS SHRUB
- GROUND-COVER/PERENNIALS
- ORNAMENTAL GRASSES
- BIO-RETEENTION PLANTINGS

CONCEPTUAL PLANTING PLAN
COURTHOUSE ESTATES
14307 OLD COURTHOUSE ROAD, NEWPORT NEWS, VIRGINIA
CUSTOM HOMES OF VIRGINIA - PENNONI ASSOCIATES, INC. - WPL

218-0488
JANUARY 07, 2018
Conditioned
Proffer Statement for Change of Zoning

To: The Honorable Newport News City Council

Date: 1/7/2019
Application Number:

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

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

Owner or bona fide representative
Kenton R. McClung

Misty Jo Kennedy
Commission Expires: 9/30/21
Misty Jo Kennedy

Signed 01/07/2019
PROFFER STATEMENT FOR PROPOSED REZONING OF TAX PARCEL ID 118000408 – 14307 OLD COURTHOUSE WAY

Tax parcel ID 118000408 is currently zoned C1, and currently supports a vacant and deteriorated single-family residential structure built in 1955. The owner would like to rezone the property from C1 to R5 zoning, remove the existing residential structure, and redevelop the property to support 5 duplex buildings, yielding a total of 10 residential dwelling units. The proposed Subdivision of Courthouse Estates is intended to maximize greenspace by providing shared driveway access and sideload garage entry where possible. Accordingly, the owner/developer submits the following conditional proffers:

1) The proposed Courthouse Estates Duplex Subdivision will be prepared in general conformance with the submitted Preliminary Subdivision Exhibit prepared by Pennoni Associates dated January 7, 2019, subject to any additions and/or changes as required by City Departmental review, and dependent upon the final approval of the Director of Planning.

2) The owner will construct the duplex models as presented in this Rezoning Application, and identified as duplex plans “Duplex R1”, “Duplex R2” and “Duplex R3”, as designed by Architect Paul Turok, subject to any changes as required by City Departmental Review.

3) The exterior finish of the proposed duplex units will be in general conformance with the colorized renderings prepared by Architect Paul Turok and included in this Application, with exterior colors identified by the Architect and the Owner as a Craftsmen style utilizing a muted pastel palette. In addition, the Architect has submitted the following exterior materials list to be used for the construction of the duplex units:

   Roof: 30 year Architectural Shingles
   Fascia & Gutters: White metal wrap on 2x Fascia
   White metal gutters
   Deck Columns: White synthetic wrapped 6 x 6 post;
   Balustrade and pickets: White Painted hardwood;
   Gables: Cement Horizontal Plank Siding - painted; Cement board w/ 1x synthetic trim - painted
   Walls: Cement Horizontal Plank Siding w/ synthetic trim - painted
   Windows & Doors: White Vinyl
   Garage Door: Insulated white metal door with windows;
   Foundation Wall: Brick or Stone

4) The proposed Courthouse Estates Duplex Subdivision will be landscaped in general conformance with the Courthouse Estates Conceptual Planting Plan prepared by WPL dated January 7, 2019 included in this Rezoning Application, subject to any additions and/or changes as required by City Departmental review, and dependent upon the final approval of the Director of Planning.
EXCERPTS FROM PLANNING COMMISSION MINUTES

March 6, 2019

CHANGE OF ZONING

CZ-2019-0001, Landlovers, LLC. Request a change of zoning from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers on a 1.43 acre site at 14307 Old Courthouse Way. The One City, One Future 2040 comprehensive plan recommends Medium Density Residential uses for the site. The Parcel No. is 118.00.04.08.

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

Ms. Fox stated there is an old magnolia tree on Old Courthouse Way. She asked if it will be saved. Mr. Gleiser stated he does not know if it will be saved.

Ms. Fox asked if all the driveways are along Old Courthouse Way. Mr. Gleiser stated no, there are two on Wells Road.

Mr. Simmons asked if the applicant is planning to use the existing sidewalks until the proposed sidewalks are built. Mr. Gleiser stated there are no sidewalks in that area. Mr. Simmons asked if the proposed sidewalks will be the only sidewalks on that street. Mr. Gleiser stated yes.

Mr. Simmons stated a storm drain is being installed on the south end of the property. He asked how that would tie in with the sidewalks. Mr. Gleiser stated the Engineering Department has had the opportunity to review the preliminary plans and they will review the plans in detail when they submit the site plan. Mr. Simmons stated he is concerned about any water flow onto the adjacent properties and he wants to be sure the Best Management Practices (BMPs) do not cause issues. Mr. Gleiser stated they will not.

Ms. Willis stated there are trees shown in the front yards, but her experience on Old Courthouse Way is that whenever Warwick Boulevard is backed up there is a lot of through traffic. She stated she does not know what size trees are proposed, but for people accessing their driveways, she is concerned the vegetation will limit drivers’ ability to see what is coming down the road. Mr. Gleiser stated Transportation Engineering has looked at the location of the trees and there will be ample visibility.

Ms. Willis asked what is the size of the sidewalk. Ms. Chioros stated a 6 foot sidewalk is proposed.

Ms. Willis asked if the BMP will be wet or dry. Mr. Gleiser stated it is supposed to be damp, but it is going to be planted. Ms. Willis asked if it would be a pond. Mr. Gleiser stated no.
Mr. Carpenter stated the applicant is not maxing out the number of residential units in R5 zoning. Mr. Gleiser stated they could have gone a lot higher. Mr. Carpenter asked how high could the number of residential units go. Mr. Gleiser stated R5 allows up to 11 units per acre.

Mr. Simmons opened and closed the public hearing.

Mr. Mulvaney stated the city is in the middle of the Denbigh-Warwick Area Plan and there has not been any new development in this area for quite some time. He stated he is very excited to see what is occurring here and it falls in line with the city's comprehensive plan. Mr. Mulvaney stated he is fully in favor of what is being proposed.

Mr. Simmons stated having had no recent development of homes in the area, he thinks this is a great use for this property. He thanked the developer and wished him well on this project.

Ms. Fox stated this is a really nice project in a very blighted setting, and she hopes the magnolia tree remains.

Ms. Fox made a motion to recommend approval of change of zoning CZ-2019-0001 to City Council. The motion was seconded by Mr. Groce.

**Vote on Roll Call**

For: Fox, Mulvaney, Carpenter, Stodghill, Wittkamp, Willis, Groce, Simmons
Against: None
Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning CZ-2019-0001 to City Council.
ORDINANCE NO. _____________


WHEREAS, zoning application CZ-2019-0001 has been made by THE LANDLOVERS, LLC, owner and applicant, for the rezoning of the hereinafter described property from the present C1 Retail Commercial District to R5 Low Density Multiple-Family Dwelling District with written and voluntarily proffered conditions; and

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

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

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present C1 Retail Commercial District to R5 Low Density Multiple-Family Dwelling District with written and voluntarily proffered conditions:

Legal Description:

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, (formerly Denbeigh Magisterial District, Warwick County) Virginia containing Two (2) Acres, more or less the said land is triangular in shape and is bounded on the north now or formerly by Phil Talton's Estate, on the west now or formerly by the Nance Mill Road and on the east by the U.S. Route #60 (now Old Courthouse Way) LESS AND EXCEPT all that certain lot, piece or parcel of land situate and being in the City of Newport News, Virginia, containing 0.62 Acres as show on that certain plat entitled,
“Plat of the Property of Macon A. Davenport, formerly part of the Property of Harry Douglas Watkins Newport News Virginia” made by John W. Lawson, Certified Land Surveyor, dated May 10, 1972 a copy of which plat is recorded in the Clerk’s Office of the Circuit Court for the City of Newport News, Virginia, in Deed Book 794, at page 183.

The property has a Real Estate Assessor Tax ID number 118.00-04-08. The property has a common street address of 14307 Old Courthouse Way.

Section 2. That the rezoning approved hereby is conditioned by a written and voluntarily proffered condition contained in the application and binding the development of the property as set forth in the exhibit, consisting of 2 pages and labeled "Exhibit A-7" attached hereto and made a part hereof. These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof is adopted; provided, however, that the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

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

To: The Honorable Newport News City Council

Date: 1/2/2019
Application Number: ______________

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

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

[Signature]
Owner or bona fide representative
KENTON R. MCCLUNG

Misty Jo Kennedy
Commission Expires: 9/30/21
Misty Jo Kennedy

[Notary Seal]
Signed 01/07/2019
PROFFER STATEMENT FOR PROPOSED REZONING OF TAX PARCEL ID 118000408 – 14307 OLD COURTHOUSE WAY

Tax parcel ID 118000408 is currently zoned C1, and currently supports a vacant and deteriorated single-family residential structure built in 1955. The owner would like to rezone the property from C1 to R5 zoning, remove the existing residential structure, and redevelop the property to support 5 duplex buildings, yielding a total of 10 residential dwelling units. The proposed Subdivision of Courthouse Estates is intended to maximize greenspace by providing shared driveway access and sideload garage entry where possible. Accordingly, the owner/developer submits the following conditional proffers:

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2) The owner will construct the duplex models as presented in this Rezoning Application, and identified as duplex plans “Duplex R1”, “Duplex R2” and Duplex R3”, as designed by Architect Paul Turok, subject to any changes as required by City Departmental Review.

3) The exterior finish of the proposed duplex units will be in general conformance with the colorized renderings prepared by Architect Paul Turok and included in this Application, with exterior colors identified by the Architect and the Owner as a Craftsman style utilizing a muted pastel palette. In addition, the Architect has submitted the following exterior materials list to be used for the construction of the duplex units:

   Roof: 30 year Architectural Shingles
   Fascia & Gutters: White metal wrap on 2x Fascia
   White metal gutters
   Deck Columns: White synthetic wrapped 6 x 6 post;
   Balustrade and pickets: White Painted hardwood;
   Gables: Cement Horizontal Plank Siding - painted; Cement board w/ 1x synthetic trim - painted
   Walls: Cement Horizontal Plank Siding w/ synthetic trim - painted
   Windows & Doors: White Vinyl
   Garage Door: Insulated white metal door with windows;
   Foundation Wall: Brick or Stone

4) The proposed Courthouse Estates Duplex Subdivision will be landscaped in general conformance with the Courthouse Estates Conceptual Planting Plan prepared by WPL dated January 7, 2019 included in this Rezoning Application, subject to any additions and/or changes as required by City Departmental review, and dependent upon the final approval of the Director of Planning.
F. Consent Agenda

1. Minutes of the Special Meeting of March 12, 2019

ACTION: ● N/A

BACKGROUND: ● N/A

FISCAL IMPACT: ● N/A

ATTACHMENTS:
Description
Minutes of Special Meeting for March 12, 2019
MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
MARCH 12, 2019
4:00 P.M.

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

ABSENT: Sharon P. Scott, MPA

OTHERS PRESENT: Cynthia Rohlf, Collins Owens; Mabel Washington Jenkins; Zina Middleton; and Indiana Brown

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

(1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (1) A discussion, consideration or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, the subjects of which are a discussion or consideration of prospective candidates for appointment to boards and commissions and members thereof; and

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

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

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

(Closed Session 4:05 p.m. – 4:20 p.m.)

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

Vote on Roll Call:
Ayes: Woodbury, Cherry, Harris, Jenkins, Price, Vick
Nays: None
Councilwoman Cherry moved that the following appointments be ratified pursuant to receipt of notification that a favorable background check was conducted; seconded by Vice Mayor Vick.

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

1. Board of Appeals – Mr. Raymond Goodwin (Member Specific Qualifications) for reappointment to serve a five-year term of office, term to expire June 30, 2024.

2. Hampton-Newport News Community Services Board (HNNCSB) – Ms. Mary Stewart (General Public Representative), Ms. Venerria Thomas (General Public Representative), and Ms. June R. Owens (General Public Representative) each for reappointment to serve a three-year term of office, to expire June 30, 2022. Ms. Nosuk Kim (General Public Representative) for appointment to fill the unexpired term of Ms. Pixie Killebrew. The term would expire June 30, 2020.

3. Insight Enterprises, Inc., Peninsula Center for Independent Living Board of Directors – Mr. Wendell Barbour (General Public Representative) for reappointment to serve a one-year term of office, to expire June 30, 2020.

4. Newport News Human Rights Commission – Mr. Jwa’n Moore (General Public Representative), to fill the unexpired term of Ms. Nath Amy Jones, term to expire September 1, 2020.

5. Newport News Public Library Board of Trustees – One appointment (General Public Representative) to fill the unexpired term of Ms. Elizabeth Young deferred, term to expire September 14, 2022.

6. Taxi Advisory Board – Ms. Marya Powell (Taxi Industry Representative) for appointment to fill the unexpired term of Mr. Zekeriya Akbas, term to expire December 31, 2019.

7. Thomas Nelson Community College Board of Trustees – Mr. Michael F. Kuhns, Jr. (General Public Representative) for reappointment to serve a four-year term of office, to expire June 30, 2023.

8. Towing Advisory Board – Mr. George Adams (Towing and Recovery Representative) for reappointment to serve a four-year term of office, to expire June 30, 2023.

9. USS Newport News Liaison Committee – Mr. Doug Marmon (General Public Representative) to fill the unexpired term of Mr. Chris Miller, the term to expire July 31, 2020. One appointment (General Public Representative) deferred.
THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 4:20 P.M.

Mabel Washington Jenkins
Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, testa:

City Clerk
CERTIFICATE OF CLOSED MEETING

MEETING DATE: March 12, 2019

MOTION: Councilman Marcellus L. Harris III
SECOND: Vice Mayor Tina L. Vick

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

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

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

VOTE

AYES: Woodbury, Cherry, Harris, Jenkins, Price, Vick
NAYS: None
ABSTENTION: None

ABSENT DURING VOTE: Scott

ABSENT DURING MEETING: Scott

ATTEST:

[Signature]
Mabel Washington Jenkins, MMC
City Clerk
F. Consent Agenda

2. Minutes of the Work Session of March 12, 2019

 ACTION: ● N/A

 BACKGROUND: ● N/A

 FISCAL IMPACT: ● N/A

 ATTACHMENTS:
Description
Minutes of Work Session for March 12, 2019
MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
March 12, 2019
4:00 p.m.

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

ABSENT: Sharon P. Scott, MPA

OTHERS PRESENT: Cynthia Rohlf; Collins L. Owens; Mabel Washington Jenkins; Joyce Thompkins; Darlene Bradberry; Shelia McAllister; Flora Chiros; Kate Helwig; Katie Stodghill; Bud Curtis; Fred Coleman; Bryan Stilley; Lisa Cipriano; Constantinos Velissarios; Susan Goodwin; Florence Kingston; Venneria Thomas; Everett Skipper; Louis Martinez; Jeffrey Johnson; Frank James; Jerri Wilson; Elaine Johnson; Alan Archer; David Freeman; Cleder Jones; Eoghan Miller; Zina Middleton; Indiana Brown and Josh Reyes

I. Closed Meeting

(4:05 p.m. – 4:20 p.m.)

II. Sister Cities of Newport News Annual Report

Ms. Cynthia Rohlf, City Manager, introduced Ms. Kate Helwig, Executive Director, Sister Cities of Newport News, Inc., (SCNN) to provide the presentation (a copy of the presentation, “Sister Cities of Newport News, Inc. Annual Report, March 12, 2019” is attached and made a part of these minutes).

Ms. Helwig introduced board members in attendance, Ms. Katie Stodghill, SCNN President; Mr. Lamont “Bud” Curtis, Immediate Past President, Mr. Fred Kohlman; Mr. Louis Martinez; and Councilwoman Dr. Patricia P. Woodbury.

Ms. Helwig noted the SCNN Mission was to build and strengthen international cooperation, understanding and development between the citizens of Newport News and those of the world.

Ms. Helwig indicated the Sister Cities movement began on September 11, 1956, founded by U.S. President Dwight D. Eisenhower, which was originally a part of People to People,
became a part of National League of Cities, and in 1967, Sister Cities International became a separate non-profit.

Ms. Helwig noted the SCNN International Partners:

- Neyagawa City, Osaka, Japan
- Taizhou China
- ZiYang, China
- Universitäts-und Hansestadt, Greifswald
- Saint-Nazaire

Benefits of the Sister Cities Program

- Long-term, Sustainable Partnerships
- Educational, Cultural and Economic Programs
- Links Our City Internationally/Globally
  *SCNN serves as the “International Arm” of the City of Newport News – a resource to all departments and community sectors: Government, Businesses, Schools & Citizens

Ms. Helwig advised that SCNN had Leadership Commitment to include a diverse and strong 19-member Board of Directors.

- Board Conducts an Annual Orientation
- Met Monthly
- Members Actively Participate in Program

Ms. Helwig noted the SCNN Citizen Engagement through social media at www.sistercities-nn.com, Newport News Public Schools website, Newport News Now, Facebook, Instagram, Twitter, and Give Local 757 Campaign on Tuesday, May 14, 2019.

Ms. Stodghill noted the 2018 SCNN Accomplishments:

- $39,500 In-kind community support, to include housing, free admissions, transportation, food, and translation services, donated by the community to support incoming international delegations
- $12,374 NET raised with two (2) major Sister Cities fundraisers; the International Breakfast and the Eric Chen Memorial Golf Tournament
- 8,924 Number of page views on the sister cities website
3,592 Names in the SCNN database
1,954 Emails on our MailChimp newsletter list
$2,000 in Youth Scholarships awarded
272 People following sister cities on FACEBOOK
263 Citizens volunteering their time and talents to support international visitors from Japan, China and Germany
102 Members attended the “One City-One World” Annual Meeting in November at Stratford University (836 J. Clyde Morris Boulevard)
79 Warwick High Students attended the Japanese Culture Day presented by the Neyagawa Youth Delegation & hosted by Warwick’s “Sister Cities” Club
39% “open rate” of our MailChimp emails
38 International Delegates hosted by Newport News families in their home included 29 youth
35 Years celebrated with Neyagawa with a visiting delegation
29 Teams participated in our Global Bee International Quiz (topped out at 140 attendees in all) made it the largest quiz in 11 years
18 Citizen Delegates traveling to Japan over the 2018 Thanksgiving break that included 7 high school students
16 Citizen Diplomats Welcomed from Neyagawa, Japan as part of the official anniversary delegation included 9 Youth Delegates
9th year conducting a German Seminar at CNU – this year in partnership with CNU’s Rieff Center
8 Weeks – two (2) NNPS students spent in Germany and two (2) German student spent in Newport News – attended school in SCNN’s 1st long-term exchange program
3 NNPR&T festivals benefiting from Sister Cities participation included – Newport News Fall Festival of Folklife, the World Arts Celebration & the Children’s Festival of Friends supported
1 FANTASTIC Sister Cities street sign installed in City Center

Ms. Stodghill noted the SCNN Opportunities in 2019:

First French High School Exchange – 10 Outgoing students in April and 20 incoming students in October
Third German High School Exchange – 34 Incoming students in April and 16 Outgoing in June
New China Exchanges (proposed) – 2019 Incoming (Summer) / 2020 Outgoing (Fall)
• Summer School Camp (two (2) weeks) at CNU on the College of Natural and Behavioral Science for Chinese College Students
• Official Delegation to Greifswald from May 8 – May 14, 2019
• Continued Support of Newport News Program
• Annual Scholarship Awards – one (1) $1,000 College Scholarship and Two (2) $500 High School Travel Scholarships
• Hosted the Eric Chen Memorial Golf Classic, the 9th Annual Golf Tournament Friday, September 20, 2019

Vice Mayor Vick inquired about the scholarships and whether additional funding would be required. Ms. Stodghill replied that the $500 High School Travel Scholarships almost paid for the airline cost and spending money needed, but many of the students stayed with host families and attended school.

Ms. Stodghill noted the existing partnerships with SCNN:

• Newport News Public Schools
• Newport News Parks, Recreation & Tourism
• Christopher Newport University Reiff Center
• The Mariners’ Museum and Park
• Downing-Gross Cultural Arts Center
• Lionsbridge Football Club

Ms. Stodghill noted the pending partnerships with SCNN:

• Newport News Green Foundation – Rain Garden
• Newport News Public Arts Foundation

Ms. Helwig invited City Council to join Sister Cities on June 7, 2019 at CNU for the Annual Breakfast Fundraiser, with featured remarks by Jae Sinnett, Jazz Musician, specialized in drumming, composing, facilitating drum clinics and master classes, as well as hosting Sinnett in Session and The R&B Chronicles on WHRV-FM 89.5 in Norfolk, Virginia.

Vice Mayor Vick questioned the number of adult chaperones needed per trip. Ms. Stodghill replied it was based on the number of students traveling each trip for the homestays. Ms. Helwig advised that Greifswald, Germany Council would love to have City Council members visit.

Councilwoman Woodbury shared that she had traveled to Greifswald, Germany and Neyagawa City, Osaka, Japan, had an opportunity to meet amazing people, and had a
wonderful time. She advised that she was interested in the France visit and hoped to travel to France in the future.

III. Engineering Project Update

Ms. Cynthia Rohlf, City Manager, introduced Mr. Everett Skipper, Director, Department of Engineering, to provide the presentation (a copy of the presentation, “Engineering Overview, March 12, 2019” is attached and made a part of these minutes).

Mr. Skipper advised that there were approximately 200 plus projects being performed to date. He shared that aspect of operations and maintenance that the Engineering Department performed was related to the traffic systems were signals, signs, and markings. The remainder of the maintenance was handled through the Department of Public Works.

Mr. Skipper advised of the Big Picture:

- ProjectMates – digital project management
- Improving Project Communications
- Train Station Schedule Update
- VDOT Funding Update
  - Last Fall Preliminary approvals
  - This summer preliminary applications
- Streets, Bridges, Traffic (Signs, Signals, Markings), Stormwater, Wastewater, Architecture, Environmental Services
- Design, Analysis, Construction Administration
- Operations and Maintenance for Traffic only (all others by Public Works)
- Over 200 projects active, ranging from less than $10,000 to over $50 million
- Largest projects typically funded by federal or state grants

Mr. Skipper shared the Current Major Projects as follows:

- Streets and Bridges
  - Lake Maury Bridge on Warwick Boulevard – opens spring 2019
  - Huntington Bridge at 39th Street – opens spring 2019
  - Atkinson Boulevard – opens late fall 2020
  - Hogan Road – design finalizing fall 2019
  - Habersham Improvements – bidding spring 2019
  - Bland Boulevard and Warwick Intersection – completed December 2018
Campbell Road (north from Bland to Warwick Boulevard) – Advertised June 2019, Bid end of July 2019, construction mid-August thru May 2021, delayed about 4 months by land offers being sent in March after VDOT and City Attorney review

Lower Jefferson Phase II – Construction Notice To Process (NTP) issued January 14, construction March 2019 thru July 2020

- Stormwater
  - Richneck Regional Basin – bidding now
  - Main Street Drainage/Hilton School area – bidding now
  - Warwick Rivermont Drainage – bidding summer 2019
  - Regional Sea Level Rise initiatives – ongoing

- Architecture
  - Newport News Transportation Center – bids summer 2019, construction fall 2019 thru fall 2021. Delays were related to agreements and negotiations between CSX, AMTRAK, DRPT, VDOT and the City
  - Operations Warehouse – in construction, opens spring 2019
  - SCOT Center - in construction, first move-ins summer 2019

- Wastewater
  - HRSD/Regional cooperation on SWIFT and Rehab/WWMP
  - Pump Station 002 R(19th & Oak Avenue) – bids spring 2019
  - Oak Avenue Sewer Replacement – bids spring 2019

- LED Lighting Upgrade – construction starting March in Southeast Community priority area

Councilwoman Cherry inquired about the broadband construction in the Lower Jefferson Avenue corridor. City Manager Rohlf replied that the construction for the Lower Jefferson improvements would be done and would not be impacted. All of the construction would tie into the Lower Jefferson. There would not be an issue on the timing of doing the project as opposed to waiting until the housing phase came into play.

Vice Mayor Vick reminded, during the HUD Visit the question was posed of internet installation and utilities during the housing phase was mentioned. City Manager Rohlf replied there was a basic design, when the housing would be taken down and replaced. Vice Mayor Vick inquired about the utilities that would be included and whether there were any components of construction that would need be be on hold. Mr. Skipper replied the streetscape module itself
included upgrades to all of the facilities that served any connecting development (residential or commercial), sewer, stormwater, and lighting would all be upgraded as a part of the streetscape project.

Councilwoman Cherry questioned whether that area did not have broadband, or whether it would have fiber. Mr. Skipper replied there was fiber in the street associated with the traffic signals and that could be connected and used for other purposes. City Manager Rohlf indicated that the consultants did a study on broadband and providing internet access. The City was looking at a number of different ways to be able to provide access in the Southeast Community (i.e. Library, hot spots, etc.). Looking at this being a community of the future and 5G changed the view and how the internet would be accessed. She hoped that the Southeast Community would be a showplace for technology.

Councilwoman Woodbury inquired about the AMTRAK Transportation Station. Mr. Skipper replied the largest Architecture project was the Newport News Transportation Center, expected to bid Summer 2019, and finally signing the last of the agreements. The Transportation Station project was complicated because it was funded by several different State and Federal organizations and involved CSX and AMTRAK with construction fall 2019.

Councilwoman Cherry inquired whether a new pump station would be installed. Mr. Skipper replied that the pump station north of Turnberry Boulevard would be connected but no new pump stations would be installed.

Councilwoman Cherry inquired whether there was a list describing the placement of the LED lighting in the Southeast Community. Mr. Skipper replied he could provide City Council with the requested information.

Mr. Skipper shared information about ProjectMates as follows:

- Digital project management, invoicing
- Joint with Waterworks
- Greater visibility/access for schedules, work tasks, costs
- Future digital bidding, expanded dashboards
- Public portal: apps.nnya.gov/ps/
- Map or Listing
- Project Details available
- Project Information
- Contact Details
- Project Schedule
Mr. Skipper indicated the Train Station Schedule for Newport News (Route 47) had been updated, (pages 10 and 11 is attached and made a part of these minutes)

- Effective March 4, 2019, concurrent with 2nd train to Norfolk
- Weekday schedule: morning departure earlier, evening arrival later, minor changes for morning arrival and evening departure
- Weekend schedule: minor change for evening departure

Councilwoman Woodbury shared that she had concerns about the train station travel times. She traveled to Washington D.C. for a presentation and had to drive to Richmond to catch the train due to a lack of connections and the same concern on the return trip. Mr. Skipper replied those concerns should be alleviated with the new schedule.

Vice Mayor Vick inquired about the ProjectMates website and the updated process for each project. Mr. Skipper replied that the Project Manager should update the system immediately; however, they are human and periodically an update may slip through the cracks, which was why a contact number would be available.

Councilwoman Woodbury questioned whether all projects had been bid on. Mr. Skipper replied no, all the projects had not been bid on.

Councilwoman Woodbury advised that she attended a Hilton Community Meeting and ProjectMates would have provided valuable information about projects the community had questions about. Mr. Skipper replied that the website was up and running. City Manager Rohlf indicated that the City needed to do better with getting this information out to citizens, so they could be better informed.

Councilwoman Cherry inquired about the AMTRAK Train updated departure and arrival times. Mr. Skipper replied it was a challenge to get an understanding of the time changes. He noted the Newport News Northbound-Departure Times, where one of the proposed times changed from 9:00 a.m. to 5:20 a.m. on Train 1 and 20 - 25 minutes on Train 2 (see page 10 attached and made a part of these minutes).
Mr. Skipper advised of **Communications Improvements** as follows:

- We have over 200 projects active: effective communications matter
- Project Status public web site exists; not everyone was aware of the site or had access to web
- Citizen Concerns: Richneck Regional Water Quality-Flood Control BMP
  - All notices, permits and public hearings were accomplished
  - Citizens felt surprised by the construction notices
  - Project delayed for more citizen participation (two meetings plus a workshop)
  - Final plans included multiple additions from input
  - Invited public participation to develop improved overall communication
  - Bids scheduled for March 12, 2019

**Communication Plan – General Communication**

- **Annually**, support Communications Department in notifying citizens of newly approved, current Capital Improvements Plan (CIP)
- **As needed**, notify affected citizens of non-CIP projects that would start before a new CIP was published
  - **Tools for as-needed communications**
    - Newport News Now newsletter, included web link
    - Advise local council members; share web link and backup as needed; attend Town Hall meeting on request

**Communication Plan – Project-Specific Communications**

- **Upon beginning design, always:**
  - Notify affected citizens of design start including description, scope, schedule and estimated cost
    - Newport News Now blurb, including web link
    - Advise local council members; share web link and backup as needed; attend Town Hall meeting on request

- Place “New Project” physical sign(s) near project site(s)
  - Signs include web link and 311 information
  - Signs remain in place until construction completed

- **As appropriate to the project**, consider need for an initial public meeting
New “Early” Project Sign
  o Used for All Projects
  o Installed at start of design and remains in place until project completion
  o Multiple signs may be used if site has multiple accesses to include the website, project ID # and telephone number

• Public Meetings
  o Hold during design and prior to bid for major projects:
    ▪ Generally $3 million or more estimated cost
    ▪ Considered for all projects based on public interest and impact
  o As needed to meet permit requirements
  o Tools:
    ▪ NN Alert (Everbridge; calls landlines within the affected area)
    ▪ Newport News Now; included web link
    ▪ Advised local Council Members; share web link and backup as needed; attend Town Hall meetings on request

• For Land Acquisition
  o Affected owners contacted by letter with sketch
  o Formal offer letters/plat/deed sent near design completion
  o Legal closing includes each owner

• For Permit Processes
  o Must meet applicable legal requirements, generally a newspaper notice, immediately adjacent property owner notice, and possibly a public meeting or hearings
  o For public meetings, use the added tools noted above

• Construction
  o As appropriate to the project:
    ▪ Ground-breaking and Ribbon-cutting ceremonies may be held
    ▪ Coordinate with and support Communications Department
    ▪ Use Public Meeting tools for communications
  o Place standard project signs at a designated locations near the project site(s)

Councilwoman Cherry inquired about the number of people reached with Everbridge. Mr. Skipper replied approximately 60% of the homes, because people no longer used landlines, which was the reason that a sign was more important as it would be erected in the neighborhood.
Mr. Skipper indicated the **Communications Summary** was as follows:

- Notification of projects started when not on same schedule as CIP
- New Project Sign – installed at design start for almost all projects, provides web link and 311 info, remains until project completion
- More tools for notice of public meetings – NN Access/EverBridge; City Council specific notice
- Updated Construction Sign
- **ONGOING, ALWAYS-AVAILABLE TOOLS**
  - ProjectMates Web Site
  - 311 System

Mr. Skipper shared the VDOT Funding Update of Currently Funded Projects which included the UPC number, project description, funding type, total estimate, and years funded, (attached pages 20 – 23 and made part of these minutes).

Mr. Skipper advised that the VDOT Funding Update Fall 2018 requests (2024 SmartScale) was as follows:

- **Newport News Smart Scale** projects recommended to Commonwealth Transportation Board (CTB) for funding total $18,070,786 included:
  - J Clyde Morris Corridor Improvement: I-64 to Harpersville $1,768,528
    - Add a northbound through lane between Louise Drive and Traverse Road and north of Harpersville Road creating three northbound lanes between I-64 and the City Line.
    - Delay for traffic between I-64 and Harpersville Road reduced from more than seven minutes to less than four minutes
    - Total Project Cost: $1,800,000
  - Warwick Boulevard at Oyster Point Road $5,445,737
    - Add southbound left turn lane to Warwick Boulevard, save 80 seconds per vehicle
    - Add eastbound through lane on Oyster Point Road, save 30 seconds per vehicle
    - Pedestrian refuge islands on Warwick Boulevard/Boxley Boulevard
    - Total Project Cost: $5,400,000
  - Jefferson Avenue at Oyster Point Road $10,856,521
Add westbound through lane and eastbound left turn lane to Oyster Point Road
Overall delay-reduction by more than 50 seconds per vehicle
Add pedestrian refuge islands for Oyster Point Road
Total Project Cost: $10,800,000

CTB approval expected late spring for the current FY2020 SYIP, which includes these FY2024-planned projects.

**FY 21 Revenue Sharing Request**

- Complete Streets, 16th Street - $4.8 million ($6.2 million Total)
- North View Extension (From Ferguson to Blue Crab) - $2 million
- Hogan Drive Extension Phase II - $2 million ($12 million Total)
- Pedestrian Improvements, Campbell Road, South Bland to Warwick Boulevard - $1,175,000 ($2.8 million Total)

Councilwoman Cherry inquired about the details of the Complete Streets, 16th Street. Ms. Sheila McAllister, Director, Department of Planning, replied that the elements were landscaping, sidewalks, and allowing for a bike lane. Councilwoman Cherry questioned whether that was a part of the 16th Street and Chesapeake Avenue bike lane. Ms. McAllister replied it would be a part of the Marshall-Ridley CNI (Marshall to Jefferson Avenue). Councilwoman Cherry inquired whether this would take place during the CNI. City Manager Rohlff replied she believed the supported CNI but would not impact anything in the Marshall-Ridley CNI. Ms. McAllister indicated the Complete Streets, 16th Street was Revenue Sharing Funds for FY 21 and should not impact the Marshall-Riley CNI rather complement each other. Councilwoman Cherry questioned whether the Complete Streets, 16th Street, would include underground utilities. Mr. Skipper replied yes.

**FY 22 Revenue Sharing Request**

- Downtown Pedestrian Improvements - $250,000 ($4.9 million Total)
- Complete Streets, 16th Street - $1.4 million ($6.2 million Total)
- Traffic Signal Mast Arms - $0.5 million ($2.2 million Total)
- Independence Boulevard - $4 million ($16.7 million Total)
- ADA Ramps/Sidewalks - $0.25 million ($2 million Total)
- Jefferson Avenue Sidewalks and Lighting, Kings Ridge to Industrial Park - $2 million ($8.5 million Total)
• Pedestrian Improvements, Campbell Road South Bland to Warwick Boulevard
  - $1,625,000 ($2.8 million Total)

Mr. Skipper advised of the Next Steps:

• August 2019 – City Council Resolution approving the Revenue Sharing
  applications
• October 2019 – Applications submitted
• February 2020 – Preliminary ranking/approvals
• May 2020 – Commonwealth Transportation Board action, finalizes approvals
• June 2020 – Agreements
• July 2020 – FY 2021 funding available
• July 2021 – FY 2022 funding available

IV. Legislative Package Update

Ms. Cynthia Rohlf, City Manager, introduced Ms. Jerri Wilson, Intergovernmental
Affairs Manager, Office of the City Manager, to provide the presentation (a copy of the
presentation, “2019 State Legislative Priorities Update, March 12, 2019” is attached and made a
part of these minutes).

Ms. Wilson advised that Newport News had a good year with the supported 2019
legislative requests.

2019 Legislative Requests

I. Fort Eustis Main Gate Compliance - $950,000 subject to a 1:1 local match, to
acquire approximately 30 acres of land that would be used for improvement to
the Eustis Main Gate.

✓ Did Not Pass

II. Charter Change – Time of First Meeting of Newly Elected Council – to amend
Charter 4 Section 4.05 of the City of Newport News Inaugural meetings;
induction of members and election of Vice Mayor, such that City Council may
set the time for the first meeting of a newly elected Council.

✓ Passed and Signed

III. Local Law Enforcement Completion of Fingerprint Background Checks – The
City of Newport News asked that the General Assembly amend Code of
Virginia Sections 63.2-1720 through 63.2-1722, 63.2-1724, and 63.2-1725, to allow local law enforcement to complete required fingerprint background checks for child day programs.

✓ Passed and awaiting the Governor’s signature

IV. Definition of Pawnbroker - Amend Sections 54.1-4000 and 54.1-4001 of the Code of Virginia such that the term “pawnbroker” refers to a specific individual for the purposes of licensing and prevents a corporation or business entity from being licensed as a “pawnbroker”.

✓ Passed and Signed

V. Valid, Current Credentials Required to Pawn Goods – amend Code of Virginia Sections 54.1-4009 and 54.1-4101 to specify that government-issued identification cards used for pawning goods must (1) be valid and not expired, and (2) if the identification card does not reflect current address, required documentation of current residence.

✓ Passed and awaiting the Governor’s signature

VI. Local Authority to Prohibit Discharge of Arrows in Heavily Populated Areas – Amend Code of Virginia Section 15.2-916 to allow Cities to prohibit the shooting of an arrow from a bow or bow gun in heavily populated areas of the locality. Counties currently have this authority.

✓ No Patron

VII. Shipbuilders Day in the Commonwealth – establish an annual day of recognition for shipbuilders and the shipbuilding industry as a celebration of their contributions to the economic vitality of the Commonwealth.

✓ Passed – August 13th Annually

2019 Priority Position Statements

1. Oppose Legislation That Preempts Local Authority – The City Council of Newport News urged the General Assembly to oppose legislation that preempts the authority of localities to determine the regulatory framework that best served their community. This request applied to all legislation whether the issue was wireless infrastructure, ride-sharing, home-sharing, fireworks or any other.

➤ Many initiatives were put forward
What Passed:
- Building permit fees and written notification requirements
- Commonwealth’s Attorney hiring ration for body worn cameras
- Personal property tax relief for disabled veterans

2. Support Legislation Authorizing Extreme Risk Protection Orders – The City Council of Newport News urged the General Assembly to enact legislation that would prevent an individual who was in crisis from possessing or purchasing firearms. Extreme Risk Protection orders allow families and law enforcement to petition a court to suspend access to firearms if there was documented evidence that an individual was threatening to harm themselves or other.

➤ Legislation was introduced HB1763, SB1458
➤ Each bill died in its own chamber
  ➤ HB1763 MPPS
  ➤ SB1458 Courts

3. Oppose Elimination of BPOL & Machinery and Tools Taxes – The City Council urged the General Assembly to reject any legislation that would negatively impact local government revenue streams and/or cause the tax burden to be shifted to the citizens.

➤ HB 2640 – to change definition of original total capitalized cost
➤ Budget language – plan to defer Machinery and Tools for five (5) years

What Passed:
NOTHING

4. Create Grant Program for Military Community Partnership – The City Council of Newport News urged the General Assembly to enact legislation in support. It was noted that in FY16, defense spending on contracts and payroll accounted for 8.5 percent or Virginia’s gross domestic product, making it the top ranked state by that metric. Virginia also ranked high in absolute terms for attracting defense dollars, came in second with $42.7 billion, behind California at $48.8 billion.

➤ Budget amendments put forth in House and Senate

What Passed:
Not included in either version of budget – Did not move forward
5. Modernize Communications Sales and Use Tax – The City Council supported amending the Communications Sales and Use Tax (CSUT) to allow taxation of streaming and post-paid calling services. City Council also supported increasing the CSUT to the prevailing State tax rate of 5.3 percent.

Ms. Wilson indicated:

- An imposed on the charge for or sale of communications services at the rate of 5%
- Generally collected from consumers by their service providers and remitted to Virginia Tax each month
- A uniform statewide E-911 tax of $0.75 per line also took effect on January 1, 2007, replacing local E-911 taxes for landline telephone service.
- Replaced the following state and local taxes and fees on communications services:
  o Local consumer utility tax on landline and wireless telephone service
  o Local E-911 tax on landline telephone service
  o Virginia Relay Center assessment on landline telephone service
  o A portion of the local Business, Professional and Occupational License tax assessed on public service companies by certain localities that impose the tax at a rate higher than 0.5%
  o Local video programming excise tax on cable television services
  o Local consumer utility tax on cable television services

➢ No legislation was introduced


Ms. Wilson shared the following:

- College of William and Mary, Old Dominion University, Hampton University, and likely additional Virginia Institutions to participate
• Nuclear Femtography (NFG) was an emerging field
• NFG is expected to be the next generation of nanotechnology
• Seeking eligibility for additional funds thru the Virginia Research Investment Fund
• Initial ask supports recruitment and salary for a prominent scientist to lead the center effort ($250K); a distinguished visitors program emphasizing inter-disciplinary aspects of NFG ($150K); and related travel and outreach for partner university researchers in this emerging field ($100K).

➤ Introduced budget included $500,000 in each year of the biennium to support the Center for Nuclear Femtography

**What Passed:**
Final conference budget made no changes to this item

7. Expedite Testing in Certain Instances of Possible HIV, Hepatitis B, or Hepatitis C Exposure - The City Council asked that the General Assembly identify and authorize an expedited process for testing in cases of exposure. Under current law when health care providers, public safety personnel, school board employees, or patients are exposed to the bodily fluid of another, the person whose bodily fluids were involved in the exposure shall be deemed to have consented to testing got infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed (Code of Virginia Section 32.1-45.1).

➤ HB1998 - Requires court to hold a hearing within 48 hours of a petition to compel collection of a specimen for testing for HIV, hepatitis B or C viruses when exposure to bodily fluids occurs

**What Passed:**
HB1998

8. Fund Economic Development/Redevelopment Incentive Programs – The City Council asked that the General Assembly provide increased funding for existing economic development/redevelopment incentive funds such as the Commonwealth’s Opportunity Fund, Aid to Local Ports, Transportation Opportunity Fund, Brownfields Restoration and Economic Redevelopment Assistance Fund. These incentives play a pivotal role in attracting, retaining, and expanding businesses. Two programs in particular that had been used
frequently and with great success in Newport News were (1) the Enterprise Zone program created an improved climate for private sector investment, development and expansion in targeted areas by providing state grants and local tax relief. (2) The City Council also asked the General Assembly to restore funding of $5 million for Virginia Jobs Investment Program (VJIP) in FY 2020.

Ms. Wilson advised that each ID Waiver slot cost approximately $45,000 per year.

- Introduced budget reduced funding by $2,280,000 over the biennium

**What Passed:** *(Language)*

Conference report authorizes up to $2.7 million of previously awarded funds that have been repaid to the Commonwealth's Development Opportunity Fund to be used for grants under the VJIP (Norfolk Southern and Arconic)

9. Enterprise Zone Funding – Funding E-Zone Program at 100% commitment

Ms. Wilson indicated there were two (2) types of grants: Real Property Investment, Job Creation RPIG’s are subject to proration when grant requests exceed allocated funding.

- Governor’s introduced budget included $13,773,354 in each year of biennium

**What Passed:**

Final conference report increases funding in FY20 by $1 million

10. Support K-12 Education Funding – The City Council of Newport News encouraged the General Assembly to increase funding for public education, particularly in two (2) areas: school construction/renovation and school safety.

- Many proposals were considered

School safety bills include annual school safety training requirements; school crisis, emergency management, and medical emergency response plans; model MOU for school boards and SROs; compulsory minimum training standards for SROs; mandatory development of case management
tool for threat assessment by VA Center for School and Campus Safety; 3% by end of biennium and 2% by September 1, 2019.

What Passed:

Final budget added $35 million to the Literary Fund to support school construction projects.

Adds $72.8 million to increase pay raises for teachers from 3 to 5%

School safety annual training requirements, minimum training standards for SROs, case management tool for threat assessment, emergency response plans

11. Fund Stormwater Local Assistance Fund (SLAF) – The City Council supported an allocation of State funding of $50 million annually for the SLAF. Stormwater management was one of local government’s most pressing infrastructure challenges.

➢ Governor’s introduced budget included $50 million SLAF funding in FY20

What Passed:

Final Conference report removed $50 million in FY20 funding
Allows up to $10 million in bond funding to be used in FY20

12. Support Transportation Safety Initiatives – The City Council placed a high priority on the safety of its residents and visitors. Given the vast network of roadways in our City and our region, transportation safety initiatives could have a significant positive impact on the overall well-being of the community. The City of Newport News supported the following initiatives: (1) enacting a primary enforcement safety belt law by all occupants to include back seat passengers; (2) banning the use of hand held technology while operating a motor vehicle; and (3) enhancing penalties for violations of Texting While Driving laws when committed in a school zone or school crossing

➢ HB1811 / SB1341 – Banned use of handheld personal communications devices while driving
➢ SB1768 – Banned use of handheld personal communications devices in highway work zones
➢ HB1911 – Failure to move over on a 4-lane highway Class 1 Misdemeanor
**What Passed:**

SB1768

13. Support Regional Dedicated Funding for Transit – The City Council supported the collaborative development of a viable new regional funding model to support priority regional public transit projects. In order to be competitive in the global marketplace, Hampton Roads needed a fully integrated and optimized regional transit system which should be supported by an adequate, sustainable and dedicated revenue stream.

*Identify adequate, sustainable revenue stream needed to develop and operate fully integrated intercity high-impact core*

- No request was put forward for regional dedicated funding

**What Passed:**

HB2553/SB1680

Provides supplemental operating funds up to $3 million (DRPT) in FY20 to offset losses resulting from implementation of the performance-based allocation process adopted in 2018

14. Support Department of Professional and Occupational Regulation (DPOR) Study of Certification for Small Appliance Repair Technicians – The City Council of Newport News supported legislation that requested the DPOR study the need for certification or licensure of persons who perform small appliance repair. Improper repairs could be costly and posed a safety concerns for residents.

- No legislation was introduced

**What passed:**

HB2028
Requires DPOR to prepare an evaluation of any introduced legislation to increase or begin regulation of an occupation (House 90-7 – Senate 40-0)

Ms. Wilson advised of other budget actions of interest.

- Industrial Revitalization Fund
  - $1 million added in FY 20 for Port Host cities to rehab port-related derelict structures

- Surplus Property for Economic Development
  - Requires DGS to convey approximately 150 acres, of surplus state property located in York County, Eastern Virginia Regional Industrial Facility Authority for an amount not to exceed $1.35 million for development of the Hampton Roads Unmanned Systems Park. Authorizes EVRIFA to convey property rights for a solar facility for no more than $1 million.

- State Aid for Public Libraries
  - Adds $500,000 in FY20 for additional summer reading materials/programs or STEAM instructional materials

- SRO Incentive Grants
  - Adds $3 million in FY20 for SRO grant fund

- Animal Cruelty
  - Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for cruelly or unnecessarily beating, maiming, mutilating, or killing a dog or cat (2018 package)

- DGS Surplus Property
  - Requires DGS to give locality or economic development entity 180 days for consideration before public sale

- Enterprise Zones
  - Increases from two to three number of times the Governor may renew a designation of an enterprise zone for an area upon recommendation of the Director of DHCD

- Norris Bridge
Establishes a statewide Special Structures Fund for maintenance and replacement of large and unique structures (e.g. HRBT)

- Unmanned Aircraft
  - Law enforcement may use unmanned aircraft to survey the primary residence of subject of arrest warrant

Next Steps

- Reconvened session (Veto Session) April 3
- All 140 members up for reelection in November
  - New district boundaries may reshape GA control in 2020
    - 25 House districts redrawn, moving at least 370,000 voters
    - So far, 3 Senators have announced retirement from the General Assembly (Dick Black, Bill Carrico, Frank Wagner) and 4 Delegates (Gordon Helsel, Riley Ingram, Steve Landes, David Toscano)
    - Senate – 27 uncontested seats
    - House – 60 uncontested seats

V. Comments / Ideas / Suggestions

City Manager Rohlf introduced Mr. Eoghan “Owen” Miller to provide an overview/recap of the 5th Annual One City Marathon weekend. She thanked the City Council for its continued support and participation.

Mr. Miller advised that the One City Marathon weekend of events were held March 1 – 3, 2019. He stated the temperature was perfect for runners on Race Day at 50 degrees.

Mr. Miller noted there were 2,600 runners in the five races (One City Marathon, Half Marathon, Marathon Relay, Maritime 8K Walk/Run, and Nautical Mile Fun Run). There were 600 runners who participated in the Half-Marathon for its first year. He advised there were runners from 35 States and 4 Countries (Canada, Brazil, Kenya, and Israel) which was an increase from 2018. It was great to see the One City Marathon grow with over 700 volunteers and 40 businesses that participated.

Mr. Miller shared that there was great participation at all of the One City Marathon activities that included:

- The Pasta Dinner held at Tradition Brewing Company (700 Thimble Shoals Boulevard) on Saturday, March 2, 2019.
• The Health and Wellness Expo sponsored by Riverside Health System held at
the Denbigh Community Center (15198 Warwick Boulevard) on Friday and
Saturday, March 1 – 2, 2019.

• One City Marathon Women’s Forum held at the Holiday Inn Newport News
(980 Omni Boulevard) on Saturday, March 2, 2019.

Mr. Miller provided some highlights as follows:

• First Place – One City Marathon (Men) – Mr. Will Christian (first place for
2018 and 2019)
• First Place – Maritime 8K (Women) – Ms. Keira D’Amato (set a course record
of 27:15)
• The move from Victory Landing Park to the Superblock on Washington Avenue
between 26th and 27th Streets was a good move by consensus.
• The need to revisit the Family Fun and Fit Day that was scheduled to take place
at Piggly Wiggly (3101 Jefferson Avenue) in the Brooks Crossing shopping
center and had to be cancelled due to inclement weather. The One City
Marathon Committee was working on an alternate plan/location/options in case
of inclement weather
• Youth Program Participation Award presented to Greenwood Elementary
School
• Spirit Award presented to Lifehouse Newport News Church
• Operation One City presented to the United States Navy
• Director’s Challenge presented to the City’s Department of Waterworks

Mr. Miller advised that they were still crunching numbers, gathering
information/data and would continue to do so over the next several weeks. He thanked City
Council, City staff, volunteers, businesses, and all that participated to make the 2019 One City
Marathon a success.

Councilwoman Woodbury questioned whether the City made any money from the
2019 One City Marathon. Mr. Miller replied numbers still being crunched, as invoices continued
to come in. He shared that City Manager Rohlf stated the goal was not necessarily to make money,
but to have a great event. Councilwoman Woodbury indicated she understood; however, taxpayers
wanted to know. Mr. Miller replied he should have more details within the next several weeks.
Vice Mayor Vick advised that moving this year’s celebration from Victory Landing Park to the Superblock on Washington Avenue between 26th and 27th Streets was great. She commended staff on a job well done.

Councilman Harris advised that the General Assembly has designated the third week of September, 2019 and each succeeding year, as Silence Empowers Violence Break the Code Awareness-to-Action Week in Virginia. Mr. Cortez Higgs, Founder of the Catalyst Effect, LLC, an effective, “outside-the-box” faith-based empowerment training, coaching, and consulting company. He hoped that the City would do something locally to show support. City Manager Rohlf replied she would look into the matter. City Attorney Owens provided City Manager Rohlf with a copy of House Joint Resolution No. 630 and 1063 (is attached and made a part of these minutes).

Councilman Harris inquired about the Building Better Futures Initiative (BBFI) and Summer Training and Enrichment Program (STEP). He advised that businesses should be receiving STEP applications and registrations. City Manager Rohlf replied the City was in discussions with Newport News Public Schools (NNPS) to work in partnership. There were upcoming meetings scheduled with Carrington Consulting, LLC to finalize the report moving forward. Councilman Harris indicated that interested students had inquired about the program. City Manager Rohlf replied that in partnership with NNPS, the applications would be due between March – April timeframe. She indicated STEP had two components: 1) the youth under the age of 17 years old – partnered with the NNPS to include the 9 – 10 week program, to occur during the summer months, and 2) the youth 18 – 24 years old – for the out-of-school youth to work more closely with the workforce development center through the Temporary Assistance for Needy Families (TANF) Grant to gain a skill-set and obtain permanent employment.

Councilwoman Cherry questioned whether the NNPS focused only on the 14 – 17 years old youth and how the NNPS would screen the applicants. Assistant City Manager Archer replied the City had not received the Request for Proposal (RFP) from the NNPS, but had been in contact with Dr. George Parker, III, Superintendent of NNPS, and requested a response. The idea was to serve a smaller number of individuals and focus on the outcomes, while focusing on the high priority neighborhoods with defined eligibility criteria and those individuals with barriers that would prevent them from obtaining employment. City Manager Rohlf indicated there would be a STEP program but not with 500 participants, the City could not effectively address or manage a summer program of that magnitude.

Councilwoman Woodbury indicated there would not be a long-term benefit or value to employ an individual who did not obtain the proper skill-set and become marketable for future employment. Vice Mayor Vick noted the individual may not be marketable, but the employment
was needed, especially those youth that came from a generation of poverty. The STEP program gave participants work ethics. Councilwoman Woodbury advised that no data had been provided for the five (5) years of the STEP program, although requested each year.

Councilman Harris shared his reason for inquiring was that some of the students were in the targeted Courthouse Green area. Vice Mayor Vick shared that the Department of Parks, Recreation, and Tourism would have a Job Fair on Wednesday, March 13, 2019 from 5:00 p.m. – 8:00 p.m. at Fountain Plaza II (700 Town Center Drive) to fill summer positions. City Manager Rohlf replied that the Department of Parks, Recreation, and Tourism struggled every year to fill summer positions. This was a transitional year. She believed the STEP program had been impactful, and the City had gotten too far away from the original intent of the program. She indicated the needs were there, the benefits were there, but wanted to make the program even more impactful.

Assistant City Manager Archer advised that the timing was perfect in coordination with the Newport News Public Schools (NNPS) with Summer Program for Arts, Recreation and Knowledge (SPARK) announcement. The City would incorporate STEP as a part of the SPARK program and would like to implement a training curriculum that could be used for in-school STEP participants in an effort to transition into one of the many career pathway programs.

City Manager Rohlf replied there was no intention to cut the program funding, but rather partner with the NNPS during this transitional year. She wanted the program to be more impactful and assist the youth that was originally discussed five (5) years ago that had a need. The STEP would be moving forward and City Council concerns would be discussed with the consultant.

Councilwoman Woodbury asked for support among City Council to hold meetings at other locations throughout the City. She reminded she had been advocating for this change for years, which would provide all citizens an equal opportunity to attend City Council meetings. She recommended three (3) meetings in the North District and three (3) meetings in the Central District. Councilman Jenkins replied that he supported the request. Mayor Price had concerns about the participation, and whether it would be cost effective. Councilwoman Woodbury replied it was requested by taxpayers and taxpayers’ money would be used. Vice Mayor Vick stated she could support one (1) meeting because no matter where the City Council meeting was held, it would still be a distance for citizens who wished to participate, and too many schedule changes could confuse citizens causing them to show up at the wrong location. Councilwoman Woodbury stated the City Council meeting would have to be advertised. Councilman Jenkins indicated that City Council met 21 times a year, and asked why not have 15 meetings at its current location City Hall (2400 Washington Avenue) and six (6) City Council meeting throughout the City. Mayor Price directed
City Manager Rohlf to review the request and get the approximate cost, personnel time, and benefit to have City Council meetings throughout the City.

Councilwoman Cherry inquired about the 800 block of 13th Street (she provided City Manager Rohlf with pictures), work had begun; however, the road work had stopped but not completed and the road was messed up. She further stated there were two (2) holes in the road on Shore Drive. City Manager Rohlf replied she would look into the matter.

Councilwoman Cherry shared with her colleagues, that there had been a resolution done prior to discussion as City Council. If agreeable, prior to having the City Attorney’s office write/prepare a resolution, which may not be supported, that it be brought to City Council for discussion and if there was consensus, then move forward. She noted any Council member could have City Attorney’s office prepare a resolution, but should come to some consensus around items before going the City Attorney’s office. Mayor Price replied the resolutions required the consensus of City Council. City Attorney Owens stated, under the charter, any City Council members could request that an ordinance, resolution or motion be presented to City Council for consideration. Councilwoman Cherry replied she understood the process, but because she respected her colleagues and their opinions, she would rather Council have a conversation on the issues before preparing documents. Should four (4) members of Council not support the resolution, that was time wasted by the City Attorney’s office. Councilman Jenkins replied he was guilty of that, and it was not his intention to be rude to his fellow Council members, but thought it could be better explained if details were on paper where thoughts would could be amended or changed. Councilwoman Cherry shared that the Hampton Roads Planning District Commission had much discussion and previously supported the Deployment of An Offshore Wind Farm Off the Coast of Virginia “regionally”. The City was doing additional work, how effective had we become as a Council if we requested a resolution for the City Attorney’s office monthly, which would be inconsiderate of their time. Council members should be more considerate of one another and discuss items first. Vice Mayor Vick agreed, she supported that request to have Council members discuss issues or concerns prior to requesting that a resolution be written/prepared by the City Attorney’s office, and inquired if an item was in the Legislative Package, what was the relevance of having another resolution prepared. Mayor Price replied there was a consensus for Council members to support that suggestion.

Councilwoman Woodbury shared that she had received calls about two (2) roads in Hilton area that had been gravel for over two (2) years. She noticed when she attended the Habitat for Humanity sites the roads were dangerous. City Manager Rohlf replied staff would look into the matter and get a report and status on the projects.
Councilman Jenkins inquired since the consensus was not to involve the City Attorney’s office in writing/preparing resolution before discussion amongst Council, he felt there was value to having a written document and he could personally write a resolution, would there be any objections. There were no objections.

City Attorney Owens advised that on Thursday, March 21, 2019, at 4:00 p.m., the Newport News Bar Association would host a dedication ceremony in memory of the Honorable Barry G. Logsdon, in front of Juvenile & Domestic Relations Courtroom #1, a reception would held in the City Hall lobby following the dedication ceremony.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED 6:27 P.M.

McKinley L. Price
Mayor
Presiding Officer

Zina F. Middleton, MMC
Chief Deputy City Clerk

A true copy, testo:

City Clerk
F. Consent Agenda

3. Minutes of the Regular Meeting of March 12, 2019

  ACTION: ● N/A

  BACKGROUND: ● N/A

  FISCAL IMPACT: ● N/A

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

PRESENT:  Dr. Patricia P. Woodbury; Saundra N. Cherry, D. Min.; Marcellus L. Harris III; David H. Jenkins; McKinley L. Price, DDS; and Tina L. Vick-----------------------------6

ABSENT:  Sharon P. Scott, MPA---------------------------------------------------1

A.  Call to Order

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

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

B.  Invocation

The invocation was rendered by Rabbi Gershon Litt, Adath Jeshurun and Hillel at Christopher Newport University.

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

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

MOTION MADE BY COUNCILWOMAN CHERRY; SECONDED BY COUNCILMAN HARRIS; AND CARRIED UNANIMOUSLY TO EXCUSE COUNCILWOMAN SCOTT FROM THIS MEETING.

D.  Presentations


Mr. Edwin Ford Stephens, son of the Honorable J. Warren Stephens, Jr., and his wife, Beth, accepted the resolution.

This Resolution of Memoriam acknowledged with sadness the death of the Honorable J. Warren Stephens, Jr.
D. Presentations Continued


Mayor Price shared that J. Warren Stephens, Jr. was born on February 14, 1924 in Newport News. He was educated in the public school system, and graduated from Newport News High School. He attended Virginia Military Institute and served in the U. S. Army field artillery during World War II. He received his undergraduate and law degrees from the University of Virginia. Following his graduation from law school, J. Warren Stephens, Jr. began his legal career practicing with the law firm of Montague, Ferguson and Holt. He practiced at the law firm of Stephens and Wendward prior to going on the bench.

In 1977, J. Warren Stephens, Jr. was appointed to the Newport News Circuit Court, serving as a Judge until his retirement in 1994. Following his retirement, the Honorable J. Warren Stephens, Jr., continued to serve as a substitute Judge, and also as a Mediator and Arbitrator for the McCammon Group. Judge Stephens participated in numerous professional and community organizations, including memberships in the American Bar Association and the Virginia Bar Association. He served as President of the Newport News Bar Association, Chairman of the Board of the Peninsula Symphony Orchestra, Chairman of the American Red Cross Home Service Committee, Chairman of the Whitaker Hospital Study Commission, President of the Lower Peninsula Mental Health Clinic, Chairman of the Virginia Bar Association’s First District Committee, President of the l’Anson-Hoffman American Inns of Court Chapter, member of the Board of Visitors at St. Paul’s College in Lawrenceville, Virginia, and Campaign Chairman of the United Way of the Virginia Peninsula.

Judge Stephens was a member of St. Andrew’s Episcopal Church, where he served as a lay reader on the vestry, and as a senior warden. Judge Stephens was former Chancellor of the Episcopal Diocese of Southern Virginia.


Mayor Price, on behalf of his colleagues on the Newport News City Council, expressed condolences and deep sorrow on the death of the Honorable J. Warren Stephens, Jr.

2. Video: “This is Our Story”

A video presentation, entitled “This is Our Story” was shown – a story of resilience, restoration, empowerment, and progress – a story still being written – the story about the Marshall-Ridley neighborhood in the City of Newport News (The City of Newport News and the Newport News Redevelopment and Housing Authority were joint applicants, and finalist for a
D. Presentations Continued

Video Presentation Continued

a $30 million Implementation Grant to be awarded by the U.S. Department of Housing and Urban Development for its Transformation Plan of the Marshall-Ridley Community in the Choice Neighborhood Initiative (CNI).

E. Public Hearings

None

F. Consent Agenda

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

1. Minutes of the Work Session of February 26, 2019

(No registered speakers)

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

2. Minutes of the Special Meeting of February 26, 2019

(No registered speakers)

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

3. Minutes of the Regular Meeting of February 26, 2019

(No registered speakers)

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

4. Resolution to Comply with the Budget Public Hearing Notice Provisions of the Code of Virginia, Chapter 25; Title 15.2, as Amended, Entitled Budgets, Audits, and Reports

A RESOLUTION TO COMPLY WITH THE BUDGET PUBLIC HEARING NOTICE PROVISIONS OF CHAPTER 25 OF TITLE 15.2 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, ENTITLED BUDGETS, AUDITS, AND REPORTS. This resolution allowed the City to comply with the State Code on setting a seven (7) day public hearing notice for the FY 2020 Proposed Operating Budget. Section 6.09 of the City Charter required that the proposed budget hearing notice be advertised seven (7) days prior to the hearing date. The City Manager intended to submit the FY 2020 Recommended Budget at City Council’s March 26, 2019 Work Session. The proposed Public Hearing dates for the FY 2020 recommended Budget were April 9, 2019 and April 11, 2019. There were insufficient number of days between the proposed budget submission date of March 26, 2019 and the public hearing date of April 9, 2019 to advertise the public hearings as required by the City Charter. In order to avoid the necessity of holding a special meeting of City Council, this resolution allowed the City to comply with the State Code advertising timeframe. The City Manager recommended approval.

(No registered speakers)

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

5. Resolution in Support of the Deployment of an Offshore Wind Farm Off the Coast of Virginia

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA IN SUPPORT OF THE DEPLOYMENT OF AN OFFSHORE WIND FARM OFF THE COAST OF VIRGINIA. This resolution expressed support of the deployment of an offshore wind farm off the coast of Virginia. Electricity generated from offshore wind farms could provide significant economic, environmental, and consumer benefits to the City of Newport News and the Commonwealth of Virginia. Offshore wind development would drive capital investment, create both temporary and permanent jobs, and helped attract a supply chain that could diversify and grow the economies of Newport News and Hampton Roads. The City of Newport News was well-placed to host portions of the supply chain with its high-quality port assets, metal fabricating capabilities, and skilled workforce. The City of Newport News must work with its regional partners to the offshore wind industry that it had the capabilities and assets to facilitate the timely, efficient and large-scale deployment of offshore wind turbines in the Commercial Wind Energy Area. The City Manager recommended approval.

(No registered speakers)
F. Consent Agenda Continued

5. Resolution in Support of the Deployment of an Offshore Wind Farm Off the Coast of Virginia Continued

Councilwoman Cherry advised that members of the Newport News City Council were a part of the Hampton Roads Planning District Commission (HRPDC). She further advised that the HRPDC had previously made decisions on the subject of Offshore Wind Farms off the Coast of Virginia, by consensus of municipalities. She further expressed her support for the resolution because City Council had discussed the matter as a member in the HRPDC.

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

G. Other City Council Actions

1. Receipt of Bids for Granting a Utility Easement on a Portion of City Farm Road (Riverview Farm Park)

One (1) bid, in the amount of $1.00, was received and opened from Dominion Energy Virginia, for the grant of a utility easement, on a portion of City-owned property located at 100 City Farm Road (Riverview Farm Park) for the installation of facilities to provide electrical service to picnic shelters. A request was received to grant a 15-foot wide utility easement on City-owned property located at 100 City Farm Road (Riverview Farm Park). The easement would enable installation of underground electrical facilities to provide service to three (3) picnic shelters. The required Public Notice was properly advertised. The bid was turned over to the City Manager for review and evaluation (a copy of the bid is attached and made a part of these minutes).

2. Receipt of Bids for Granting a Utility Easement on a Portion of City-owned Property at 6940 Huntington Avenue (Huntington Heights Park)

One (1) bid was received and opened from Dominion Energy Virginia for the grant of a utility easement on a portion of City-owned property located at 6940 Huntington Avenue for the installation of a power pole to provide overhead electrical service. A request was received to grant a 10-foot by 10-foot utility easement on a portion of City-owned property located at 6940 Huntington Avenue. The easement would enable installation of utility pole to support overhead electrical service. The required Public Notice was properly advertised. The bid was turned over to the City Manager for review and evaluation (a copy of the bid is attached and made a part of these minutes).
Minutes of Regular Meeting
March 12, 2019

H. Appropriations

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

1. Newport News Sheriff’s Office (NNSO) – Asset Forfeiture: Law Enforcement Operations and Investigations

A RESOLUTION APPROPRIATING FUNDS FROM USE OF FUND BALANCE – FEDERAL ($5,000.00) TO SPECIAL INVESTIGATIONS ($5,000.00). This resolution appropriated $5,000.00 from the Newport News Sheriff’s Office Asset Forfeiture Funds. Asset Forfeiture funds were funds that were transferred to the Sheriff’s Office as a result of officers participating in State and Federal criminal cases where the defendant’s assets were seized. The Sheriff’s Office would not use the funds to support investigations and operations that further the law enforcement goals and missions. The Sheriff’s Office balance in unappropriated asset forfeiture funds totaled $184,326.00. This appropriation would reduce the asset forfeiture account by $5,000.00, leaving a balance of $179,326.00. The City Manager recommended approval.

(No registered speakers)

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

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

Ms. Darlene Mitrano, 457 Dunmore Drive, Newport News, announced the “Dream A Park Art Contest,” hosted by “The Citizens for Riverview Farm Park” to see what the future of Newport News would like to see on the park land at City Farm. Interested citizens were invited to share their creative side at www.cityfarmartcontest.com. An invitation was extended to all students in Newport News to participate by coming up with a creation of what they wanted to see on the land of the former City Farm. The deadline for all entries was March 29, 2019, at cityfarmartcontest@gmail.com. Ms. Mitrano extended an invitation to City Council to attend a display of the art work on Tuesday, April 16, 2019, 6:00 p.m., at the Unitarian Universalist Fellowship of the Peninsula (415 Youngs Mill Lane). Two flyers were distributed and are attached and made a part of these minutes.

Mr. Antonio Thompson, P. O. Box 413, Newport News, quoted Bible scripture from Matthew 10:7 as well as 1 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.
I. Citizen Comments on Matters germane to the Business of City Council Continued

Mr. Thompson advised that he desired to join the Newport News Police Department (NNPD), given the rank of Captain, and issued a badge and gun, with unlimited firing range time. He vowed to be patient in this regard. Mr. Thompson wished to gain training from the Russian Police Chiefs and Captains. He believed the Russians had a better police force.

Mr. Thompson commended members of Council for adopting a Resolution, in support of the deployment of an Offshore Wind Farm off the Coast of Virginia.

He referenced Senator Barbara Boxer, United States Senator from California, who indicated nothing could be done to save the environment for youth. He reiterated his kudos to the Newport News City Council for adopting resolution in support of the deployment of an Offshore Wind Farm off the Virginia Coast.

Ms. Sherry Bishop, 153-B Candlewood Way, Newport News, representing a women’s empowerment group, advised of her desire to host an event in Newport News in King Lincoln Park to raise awareness about gun violence. She shared that her 24-year old nephew was killed by gun violence. Her son was also killed as a result of gun violence in December 2018. The event would include a march from 16th Street to King Lincoln Park in remembrance of the young people killed by gun violence. She requested information and direction about hosting a community event to raise awareness about gun violence.

Mayor Price asked Mr. David Freeman, Assistant to the City Manager, to meet with Ms. Bishop, and provide information about permits and other requirements needed to host the desired event.

Ms. Jannie Bazemore, 1004 Hampton Avenue, Newport News, referenced the video presentation entitled “This is Our Story.” She indicated the story of Huntington Middle School grew longer and longer, and had reached a new chapter entitled “ASAP.” She advised that the Newport News Schools had been placed on hold with regard to its plans for Huntington Middle School since the Joint City Council/School Board Meeting on January 22, 2019, so that additional plans specific to inclusive City projects could be submitted. The members of the Huntington High School Alumni Association were elated that City Council had given favorable consideration to acknowledging that rebuilding Huntington Middle School was necessary for the Southeast Community in an effort to avoid overcrowding in the middle schools. They were also excited about the Marshall-Ridley Transformation Plan, but with the project, a middle school in the area was required. Realizing that it took time for a project of this magnitude and that the NNPS and School Board aimed to move forward so that it would not be years before the doors of Huntington Middle School would reopen. Ms. Bazemore indicated that the rebuilding of Huntington Middle School was a project separate and apart from the City’s vision and should be treated as such. She asked that City Council appropriate the funds needed to continue the process begun by the NNPS, which included citizen input, so that community could get on with the business of not just providing a neighborhood school, but a STEAM School that could provide a
I. Citizen Comments on Matters Germaine to the Business of City Council Continued


Mr. Adrian Whitcomb, 316-54th Street, Newport News, shared that he was not in attendance at the February 26, 2019 Regular Meeting of City Council because he was at a Memorial Service of a dear friend, which reminded him of how short a human’s time on earth was. He shared that his friend left a legacy of friendship and music. Mr. Whitcomb hoped to leave a legacy that he helped to protect and keep a park on the river for all to enjoy.

Mr. Whitcomb reiterated remarks by Ms. Mitrano about the “Dream A Park Art Contest,” hosted by “The Citizens for Riverview Farm Park.” He advised that additional details were available at www.cityfarmartcontest.com, as well as www.saveriverviewfarmpark.com. He emphasized the importance of involving the youth of the City early in life.

Ms. Lisa D. Loyd, 83 Forsyth Way, Hampton, advised that she was in attendance in support of Ms. Sherry Bishop. Being a grandmother, and having lost a nephew to gun violence, she indicated that she observed the violence and pain, and saw the effect of gun violence on the parents and the youth in the community. She felt an event to bring awareness to gun violence would let the victims’ families know they were not alone, and had an outlet. Such an event would build a foundation. Ms. Loyd stated, the violence had to stop. She reminded that the issues began at home, and trickled down to the children. The children could also be reminded that they had someplace to go and someone to talk to. Ms. Loyd felt the root cause of violence was due to a lack of attention and a lack of love.

J. Old Business, New Business and Councilmember Comments

Councilwoman Woodbury thanked the citizens that participated and came out for the celebration of the One City Marathon and associated events on March 1-3, 2019. She advised that she had the pleasure to kick-off the new event – the Half Marathon, which began at Menchville High School (275 Menchville Road). It was a great day, a great celebration, and a wonderful group of participants.

Councilwoman Woodbury advised that she was impressed with the City’s new Day Service Center for the homeless – Four Oaks Day Service Center (7401 Warwick Boulevard), on Tuesday, March 5, 2019, 11:00 a.m. The services offered included job training, skills training, and assistance offered to those individuals who were down and out. She was grateful that the City was a part of the facility. She encourages citizens to stop by for a site visit.

Councilwoman Woodbury shared that she and Councilman Jenkins met with a group of citizens from Hilton Village, known as “Friends of the River,” who advocated for clean water, stormwater control, and keeping the beaches and the James River clean, and enjoyable for
Old Business, New Business and Councilmember Comments Continued

recreation. So often the beaches had to be closed because of the high bacteria count. She was pleased that the group of volunteers had signed up for two additional years, and were ready to assist in anyway. The staff of the Department of Engineering were cooperative. Councilwoman Woodbury indicated this provided a great opportunity for citizens to think about the environment. The volunteers were very passionate about making sure the environment was at its best.

Councilwoman Woodbury advised that she visited with “Happy Hearts” at Hilton Baptist Church, on Tuesday morning, March 12, 2019. Happy Hearts was another group of volunteers who were interested in keeping the City and making it as great as possible. The group were listening to Mr. Dan Baxter, Assistant Recycling Coordinator, Department of Public Works, who has a great presentation on how we recycle, and what we do with the trash. He has put the City on an extremely high level with regard to recycling compared to other localities. She explained that the City of Newport News had a similar site to Mt. Trashmore in Virginia Beach. The City’s site would become a park. She encourages citizens to make themselves available to speak with Mr. Baxter.

Councilwoman Woodbury had the privilege of speaking to a group of retired teachers on Tuesday, March 12, 2019, 12:00 noon, at Angelo’s Restaurant (755 J. Clyde Morris Boulevard). All of the teachers had suggestions, and they wanted the opportunity to address City Council, not only in the Council Chambers, but in other areas throughout the City.

Councilwoman Woodbury shared that she asked her fellow City Council members to consider also holding a City Council meeting in the North District and in the Central District, making them more accessible to the people who paid their salaries.

Councilwoman Cherry thanked the citizens for their attendance and participation, and for sharing their concerns and ideas for the City.

Councilwoman Cherry extended compliments to Reverend Dr. Kevin Swann, on his 13th Anniversary, as Pastor, at Ivy Baptist Church (50 Maple Avenue); and to Reverend Dr. Treymane Johnson, on his 10th Anniversary Celebration as Pastor at Zion Baptist Church (633-20th Street). She thanked both Pastors for their profound leadership and grace to lead their congregations and communities in life changing events, programs, and the ministry. She wished much success to each.

Councilwoman Cherry extended compliments to City Manager Rohlf, City staff, the Department of Parks, Recreation and Tourism, and all of the volunteers for a successful One City Marathon and associated events on March 1-3, 2019. It was a great day of celebration. All runners and walkers finished strong, including Vice Mayor Vick and herself.

Councilwoman Cherry extended compliments to City Manager Rohlf and Assistant City Manager Alan Archer, the City staff, and the Volunteers of America for their hard work that went into opening the City’s new Day Service Center for the homeless — Four Oaks Day Service
J. Old Business, New Business and Councilmember Comments Continued

Center (7401 Warwick Boulevard), on Tuesday, March 5, 2019, 11:00 a.m. She stated this was a
great opportunity for the homeless patrons, and felt this much needed facility would be a life-
changing space and place for the homeless.

Councilwoman Cherry extended compliments to the Virginia Department of
Health, who hosted a successful rabies clinic on Saturday, March 9, 2019, at the Peninsula
Regional Animal Shelter (5843 Jefferson Avenue). More than 400 individuals came through to
get have their animals inoculated with a free rabies shot. Councilwoman Cherry extended thanks
to the staff of the Peninsula Health Department who withstood the cold temperatures to work at
the Peninsula Regional Animal Shelter.

Councilwoman Cherry announced that the South District “Your Voice Matters”
Town Hall Meeting, was scheduled for Thursday, March 14, 2019, 6:00 – 7:30 p.m., at the
Brittingham-Midtown Community Center (570 McLawhorne Drive). She further announced, on
Thursday, March 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.
the Hampton University Workforce Development representatives would be present to talk about
trainings and certifications being offered at Hampton University.

Councilwoman Cherry extended congratulations to Mr. Antonio Thompson on
having his legal rights restored.

Councilman Harris echoed Dr. Cherry’s sentiments and offered congratulations
to Dr. Kevin Swann, on his 13th Anniversary, as Pastor, at Ivy Baptist Church (50 Maple
Avenue); and to Reverend Dr. Tremayne Johnson, on his Anniversary Celebration as Pastor at
Zion Baptist Church (633-20th Street). Councilman Harris advised, not only did Reverend Dr.
Swann and Reverend Dr. Johnson lead their flocks inside the buildings, but did a great deal with
their ministry outside of the buildings in the communities. He thanked both for their leadership.

Councilman Harris advised that he hung out with a group of young men at
Crittenden Middle School (6158 Jefferson Avenue), on Friday night, March 8, 2019, at a Lock-In.
Ms. Tarri Jones, 7th Grade Guidance Counselor, had a phenomenal program for the young men,
who were able to learn how to tie neckties, and to receive empowering and encouraging moments
with other professionals in the City. He highlighted the following young men, known as “The
Men in the Making,” and hoped they could attend a future meeting: Mr. Antoinne Benton, Mr.
Dayvon Bacon, Mr. Malcolm Banks, Mr. Jamel Powell, Mr. Jordan Cunningham, Mr. Jordan
Watlington, Mr. Jeremiah Burger, Mr. Jaden Blount-Mack, and Mr. Eric James Patton.
Councilman Harris advised that he had a session with the aforementioned young men at 10:00
p.m., and indicated he was more inspired by the young men. He extended thanks to Ms. Tarri
Jones, an awesome educator and school counselor for taking it upon herself to stay at the school
all night.
J. Old Business, New Business and Councilmember Comments Continued

Councilman Harris announced an upcoming event – “The Heart of Giving.” Ms. Amy Jones, in conjunction with The Warwick Assembly of God, were hosting a prom dress giveaway. This program would allow 300 students to come, where young ladies, ages 14-19, could pick up a formal dress, shoes, and accessories, as they prepare for the prom season. This event would be held on Saturday, April 13, 2019. Interested persons were urged to contact Ms. Amy Jones or Mrs. Rasheena Harris, via phone, at (757) 266-7819, or at resources@thoginc.net. Donations of the following were being accepted: gowns, jewelry, racks display stands, clutches, shoes, mannequins, jewelry stands, makeup, shawls, stand along mirrors, glass counter stands, $5 or $10 gift cards; and free or discounted hair and nail services. The website for the event was www.theheartofgiving.org.

Councilman Harris extended condolences to Ms. Sherry Bishop and family on the loss of her son. He share that City Council spoke briefly during the earlier Work Session about a program entitled, “The Catalyst Effect,” as silence empowered violence. During the third week of September, 2019, there would be an Awareness Week. He urged Ms. Bishop to partner with Mr. Cortez Higgs, Founder and Owner of the Catalyst Effect, an effective, “outside-the-box,” faith-based empowerment training, coaching and consulting company.

Mayor Price extended congratulations to the City’s new Fire Chief, Mr. Jeffrey Johnson. He and his colleagues attended the formal Swearing-In Ceremony for Chief Johnson on Thursday, February 28, 2019, 10:00 a.m. in the City Council Chambers, 2400 Washington Avenue.

Mayor Price and his colleagues attended the Habitat for Humanity Gala, held on Saturday, March 2, 2019, 7:00 p.m., in the David Student Union, Christopher Newport University (1 University Place). This annual signature fundraiser raised monies to help families build and improve places to call home.

Mayor Price shared that City of Newport News and the Newport News Redevelopment and Housing Authority were joint applicants, and finalist for a $30 million Implementation Grant to be awarded by the U.S. Department of Housing and Urban Development for its Transformation Plan of the Marshall-Ridley community in the Choice Neighborhood Initiative (CNI). Representative from HUD was in Newport News for a site visit on Tuesday, March 5, 2019, at An Achievable Dream Academy, related to the CNI. He felt the video shown earlier showed the tremendous work and impact that would be done to transform the community.

Mayor Price shared that he was pleased to welcome members of the Virginia Chapter of the International Public Management Association for Human Resources (IPMA-HR) to the City of Newport News. The 2019 IPMA-Human Resources Spring Conference was held on March 10 - 13, 2019 at the Newport News Marriott Hotel at City Center (740 Town Center Drive). The organization served as the statewide association for public sector human resources professionals.
J. Old Business, New Business and Councilmember Comments Continued

Vice Mayor Vick shared her sentiments about the successful One City Marathon and associated events on March 1-3, 2019. It was a great day of celebration. It was good to see citizens and guests, across the City, coming through and generating excitement, strength, endurance and positivity as they participated in the marathon, whether the full marathon, half marathon, the nautical mile, or the 8K Run/Walk. Mayor Price was the lead drum major for the entire event. Vice Mayor Vick commended City Manager Rohlf, and staff, as well as Mr. Eoghan Miller, Assistant to the City Manager, for their hard work. She advised that she thoroughly enjoyed the One City Celebration at the conclusion, held in the Super Block (Washington Avenue, between 26th and 27th Streets). Vice Mayor Vick advised that there were numerous events and activities available for all during the One City Marathon Weekend on March 1-3, 2019.

Vice Mayor Vick reiterated remarks by the Mayor about the CNI Transformation Plan. She reminded citizens that the award would bring $30 million to the City of Newport News to make huge transformations in housing and businesses in the Marshall-Ridley neighborhood. She thanked the City Manager and staff, as well as the citizens, who came out in a show of support during the HUD site visit.

Vice Mayor Vick extended congratulations to City Manager Rohlf and Assistant City Manager Alan Archer, the City staff, as well as the Volunteers of America for their hard work that went into opening the City’s new Day Service Center for the homeless – Four Oaks Day Service Center (7401 Warwick Boulevard), on Tuesday, March 5, 2019, 11:00 a.m. A Job Fair was also held in conjunction with the opening of the facility. She acknowledged Assistant City Manager Archer and asked him to stand to a round of applause for his work on the project. His heart, dedication, and hard work had been in the center. She reiterated Councilwoman Woodbury’s remarks regarding the services offered at the Four Oaks Day Service Center. The services offered included job training, skills training, and assistance offered to those individuals who were down and out. She was grateful that the City was a part of the facility. Vice Mayor Vick extended congratulations to Ms. Tameka Davis, who would serve as the Executive Director of the Four Oaks Day Service Center.

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 7:58 P.M.
Minutes of Regular Meeting
March 12, 2019

Mabel Washington Jenkins
Mabel Washington Jenkins, MMC
City Clerk

A true copy, teste:

City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer
G. Other City Council Actions

1. Ordinance Authorizing and Directing the City Manager to Execute Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of a Portion of City-Owned Property at 610-26th Street to the Economic Development Authority (EDA) of the City of Newport News, Virginia

ACTIONS: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF A PORTION OF CITY-OWNED PROPERTY AT 610-26TH STREET TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF THE CITY OF NEWPORT NEWS, VIRGINIA.

BACKGROUND:

- To support the implementation of the Transformation Plan for the Marshall-Ridley Choice Neighborhood, the EDA has been progressing on the rehabilitation of the structure located at 2506 Jefferson Avenue to create a co-working space.

- The current property line lies at the rear of the existing building structure. Through the design process, the architect has identified the need for additional land to meet building code requirements and allow for Americans with Disabilities Act (ADA) ramp access at the rear of the building.

- To facilitate the building rehabilitation and anticipated activities, inclusion of the required ADA access, and to support redevelopment efforts in the area, a portion of 610-26th Street is necessary.

- The City Manager recommends approval.

FISCAL IMPACT: N/A

ATTACHMENTS:

Description
Memo re HCC re Conveyance of 610 26th St 3.20.19
Attachment 1
Attachment 2
sdm16796 Authorizing Conveyance of Portion of 610 26th St
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conveyance of 610 26th Street to the Economic Development Authority (EDA)

To support the implementation of the Transformation Plan for the Marshall-Ridley Choice Neighborhood, the EDA has been progressing on the rehabilitation of the structure located at 2506 Jefferson Avenue to create a co-working space, which includes improvements to the rear parking lot located at 610 26th Street. The current property line lies at the rear of the existing building structure, and through the design process the architect has identified the need for additional land to meet building code requirements and allow for ADA ramp access at the rear of the building. The designed ramp access and patio at the rear of the building are shown on the attached floor plans for 2506 Jefferson Avenue.

To facilitate the building rehabilitation and anticipated activities, inclusion of the required ADA access and to support redevelopment efforts in the area, the land outlined in red in the attached aerial is necessary.

I recommend that City Council approve the Ordinance authorizing conveyance of this portion of the City-owned parcel at 610 26th Street to the EDA.

[Signature]

Cynthia D. Rohlf

CDR:dep

Attachments (2)

cc: Florence G. Kingston, Director, Department of Development
Portion of 610 26th Street to be Conveyed to EDA

2506 Jefferson Avenue

Legend

Water Bodies
Airport Runways
Parks
Aerial Photo (2016)

Regional Major Roads
Interstates
Primary Roads
Ramps/Service Roads
Other

Interstates
Primary Roads
Ramp/Service Roads
Other

Fire Stations
Libraries
Museums

Railroads
Streams

304 Jefferson
2534
2510
2504
2508
2506
2502
2500
610 26th Street

2506 Jefferson Avenue and 610 26th Street

City of Newport News

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for property design or location or improvements to real property or for those plan determinations.
ORDINANCE NO. _______________

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

WHEREAS, the City Manager has recommended that certain City owned property be conveyed to the Economic Development Authority of the City of Newport News, Virginia (“EDA”); and

WHEREAS, the City Council is authorized by Section 5 of the Economic Development Authority’s enabling legislation (1993 Va. Acts ch. 682) to transfer to the Authority such property as it deems necessary and, pursuant to Section 17 thereof, to authorize such transfer without the necessity for notice or public hearing; and

WHEREAS, the City Council concurs with this recommendation, finding that it is in the public interest and furthers the purposes of the Authority to make such conveyance.

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

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

ACCOUNT  ADDRESS  LEGAL DESCRIPTION
Pt. 312.0102-04  Pt. of 610 26th Street  Easterly 33’ of Lot 36, Easterly 47.6’ of Lot 37, Easterly 39’ of Lot 38, & Lot 39, Block 85

2. That the property shall be conveyed to the Economic Development Authority of the City of Newport News, Virginia, for no consideration.

3. That the documents necessary to implement the property conveyances authorized herein shall either be prepared by or reviewed by the City Attorney before their execution.

4. That this ordinance shall be in effect on and after the date of its adoption, March 26, 2019.
G. Other City Council Actions

2. Resolution Authorizing the Formation of the Ashe Manor, LLC by the Newport News Redevelopment and Housing Authority

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE FORMATION OF THE ASHE MANOR, LLC BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY.

**BACKGROUND:**
- In 2004, the Ashe Manor elderly complex was placed in service and was owned by the Orcutt Senior Housing L. P. Partnership.

- Part of the original financing included Low Income Housing Tax Credits, requiring a 15-year affordability compliance period, which has now passed, and the investor partner and special limited partner now wish to withdraw from the partnership.

- In order to maintain the partnership and continue operating this affordable housing complex, a successor limited partner is required. The Newport News Redevelopment and Housing Authority (NNRHA) wishes to create Ashe Manor, LLC to serve as the new limited partner.

- NNRHA’s Board of Commissioners approved the formation of this entity at its February 19, 2019 Board meeting, and created such to serve to limit any liability specific to the Project and protect other NNRHA assets.

- To comply with Title 3 of the Code of Virginia, which enumerates the activities of redevelopment and housing authorities, it is necessary that City Council approve the formation of the proposed development entity.

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
- Memo to HCC re Ashe Manor LLC Entity Formation 3.20.19
Attachment 1
Attachment 2
Abridgement
Transmittal
rag1677 Authorizing the Formation of the Ashe Mannor LLC by NNRHA
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Ashe Manor, LLC Formation

The Newport News Redevelopment and Housing Authority (NNRHA) Board of Commissioners, over the past several years has created numerous single purpose entities related to the agency’s participation in HUD’s Rental Assistance Demonstration Program or for the purpose of applying for Low Income Housing Tax Credits (LIHTC). In this case, however, the formation of the above-referenced single purpose entity is necessary to serve as a successor limited partner in the Orcutt Senior Housing L.P. Partnership.

In 2004, the Ashe Manor elderly complex was placed in service and was originally owned by the Orcutt Senior Housing L.P. Partnership, and the general manager was the Orcutt Development Corporation, owned by NNRHA. Part of the original financing was LIHTC, which required a 15-year compliance period. Now that the compliance period has passed, the investor limited partner and the special limited partner wish to withdraw from the partnership, and in order to continue the partnership and operate this affordable housing property, a successor limited partner is required.

As with other previous NNRHA-initiated LIHTC developments, a limited liability company is being formed for this development in order to limit any liability in this venture to the Project itself and not expose other NNRHA assets in the event of unforeseen issues. NNRHA’s Board of Commissioners met on February 19, 2019 and approved a resolution creating the formation of this single purpose entity, Ashe Manor, LLC, and is recommending the approval of City Council. A copy of NNRHA’s Resolution and Extract of Minutes from that meeting are attached for your information. The formation of this entity requires City Council approval in accordance with Title 36 of the Code of Virginia, which enumerates the powers of Redevelopment and Housing authorities in the State.
The Honorable City Council
Page 2
Ashe Manor, LLC Formation
March 20, 2019

I recommend that City Council approve the Resolution supporting the formation of the Ashe Manor, LLC single purpose entity.

[Signature]
Cynthia D. Rohl

CDR:tfw

Attachments (2)

cc: Karen Wilds Executive Director, NNRHA
    Florence G. Kington, Director, Department of Development
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NEWPORT NEWS
REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE FORMATION
OF THE ASHE MANOR LLC AS SUCCESSOR LIMITED PARTNER IN THE ORCUTT
SENIOR HOUSING L.P. AND REQUESTING NEWPORT NEWS CITY COUNCIL
APPROVAL OF THIS PROPOSED ENTITY

WHEREAS, the Ashe Manor (hereinafter the Project) senior housing complex
provides safe, decent, affordable housing to low income elderly families and individuals
in the City of Newport News; and

WHEREAS, the federal Low Income Housing Tax Credit (LIHTC) program, and
proceeds from the sale of such tax credits were utilized to develop the Project which
was placed in service in 2004; and

WHEREAS, the required fifteen (15) year LIHTC compliance period has been
fulfilled and the limited (investor) partners and the special limited partner will withdraw
from the Orcutt Senior Housing L.P. partnership, and

WHEREAS, a successor limited partner (Ashe Manor LLC) must be created to
replace the current (investor) partners and special limited partner in the Partnership to
enable the Project to continue to operate and provide affordable housing to elderly
families and individuals in the city; and

WHEREAS, Title 36 of the Code of Virginia requires that the formation of legal
entities by local housing authorities be approved by the local governing body.

WHEREAS, continuation of the Orcutt Senior Housing L.P. and the operation of
the Ashe Manor senior housing complex is in the best interests of the residents of the
city and furtherance of the housing goals of the community.

NOW THEREFORE BE IT RESOLVED:

(1) That in accordance with Title 36 of the Code of Virginia the Board of
Commissioners authorizes the creation of the Ashe Manor LLC and the
Executive Director to take the necessary actions to form this entity in accordance
with applicable requirements.

(2) BE IT FURTHER RESOLVED that the Board of Commissioners requests that the
Newport News City Council likewise approve the formation of this entity.
EXTRACT FROM THE MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF THE ORCUTT SENIOR HOUSING DEVELOPMENT CORPORATION
HELD ON FEBRUARY 19, 2019

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

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

Lou Call
Josephine Clark
Gary B. Hunter
Lisa Wallace-Davis

* * * *

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

A RESOLUTION OF THE ORCUTT SENIOR HOUSING DEVELOPMENT CORPORATION APPROVING ADMITTANCE
OF ASHE MANOR, LLC AS SUCCESSOR LIMITED PARTNER

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

AYES
Lou Call
Gary B. Hunter
Josephine Clark
Lisa Wallace-Davis

ABSTAIN

The Chairman thereupon declared said motion carried.

* * * *

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

CERTIFICATE OF RECORDING OFFICER

I, Karen R. Wilds, the duly appointed, qualified and acting President of the Orcutt Senior Housing Development Corporation, do hereby certify that the above extract from the minutes of a meeting of the Board of Directors, held on February 19, 2019 is a true and correct copy of the original minutes of such meeting on file and of record in so far as they relate to the matters set forth in the above extract, and I do further certify that such extract is a true and correct copy of a motion adopted at such meeting and on file and of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the Seal of said Authority this nineteenth day of February, 2019.

Karen R. Wilds
President
RESOLUTION NO. ____________________


WHEREAS, the Newport News Redevelopment and Housing Authority ("NNRHA") developed and operates the Ashe Manor elderly housing complex in the City of Newport News; and

WHEREAS, NNRHA utilized the Federal Low Income Housing Tax Credit ("LIHTC") Program and equity raised from the sale of such credits to complete this development, which was placed in service in 2004 in accordance with LIHTC requirements; and

WHEREAS, the required 15 year LIHTC compliance period has been fulfilled and the investing limited partners in the Orcutt Senior Housing L.P. partnership have requested to withdraw from the partnership; and

WHEREAS, this action requires that a new limited partner must succeed the withdrawing limited partners to enable the Ashe Manor housing complex to continue to operate; and

WHEREAS, the formation of legal entities related to the development and operation of NNRHA housing projects requires approval by the Newport News City Council in accordance with Title 36 of the Code of Virginia; and

WHEREAS, on February 19, 2019, the NNRHA Board of Commissioners approved a resolution authorizing the formation of the Ashe Manor LLC and has requested that the Newport News City Council approve such action in accordance with Title 36 of the Code of Virginia; and

WHEREAS, as the continued operation of the Ashe Manor elderly housing complex is important to continue to meet the housing needs of lower income elderly families and individuals in the City, the Council finds that it is in the best interest of the City to approve the formation of the aforementioned entity.

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

1. That it hereby approves the formation by NNRHA of the Ashe Manor LLC.

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

3. Resolution Authorizing and Directing the City Manager to Execute the Urban Project Construction Agreement By and Between the Commonwealth of Virginia, Department of Transportation (VDOT) and the City of Newport News, Virginia (City) for the Denbigh Boulevard Interchange Justification Review (IJR)

**ACTIONS:**

A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE URBAN PROJECT CONSTRUCTION AGREEMENT BY AND BETWEEN THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) AND THE CITY OF NEWPORT NEWS, VIRGINIA (CITY) FOR THE DENBIGH BOULEVARD INTERCHANGE JUSTIFICATION REVIEW (IJR).

**BACKGROUND:**

- VDOT will conduct a review of locations for a new I-64 interchange between Fort Eustis Boulevard and Jefferson Avenue.

- The report will inform and assist the City, VDOT and the Federal Highway Administration (FHWA) in determining the feasibility and viability of approving and constructing a new interchange.

- VDOT requires the City to execute a Project Administration Agreement and participate in a 50/50 cost share.

**FISCAL IMPACT:**

- The City match of $225,000 is available from previously appropriated Streets and Bridges funding.

- The City Manager recommends approval.

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memo to HCC re VDOT - Denbigh Blvd IJR PAA 3.20.19</td>
</tr>
<tr>
<td>Attachment-Location Map-PAA PreScoping Denbigh Blvd Interchange-UPC 114752</td>
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<tr>
<td>sdm16791 Authorizing re Urban Project Construction Agreement</td>
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CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Virginia Department of Transportation (VDOT) - Denbigh Boulevard Interchange Justification Review (IJR) Agreement

City Council is requested to approve a resolution authorizing the City Manager to execute an agreement between the City and VDOT for the Denbigh Boulevard Interchange Justification Review (IJR).

For this study, VDOT will review locations for a new I-64 interchange between Fort Eustis Boulevard and Jefferson Avenue. The report will inform and assist the City, VDOT and Federal Highway Administration (FHWA) in determining the feasibility and viability of approving and constructing a new interchange. Once complete, the study will be used to support funding and grant applications.

The total cost of the Denbigh Boulevard IJR is $450,000, which is split 50/50 between VDOT and the City. The City match of $225,000 is available from previously appropriated Streets and Bridges funding.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR:MDC:mjd

Attachment

cc: Everett Skipper, Director, Department of Engineering
RESOLUTION NO. _________

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN URBAN PROJECT CONSTRUCTION AGREEMENT BY AND BETWEEN THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION AND THE CITY OF NEWPORT NEWS, VIRGINIA, FOR THE DENBIGH BOULEVARD INTERCHANGE JUSTIFICATION REVIEW (THE “PROJECT”) (UPC #114752).

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Urban Project Construction Agreement by and between the Commonwealth of Virginia, Department of Transportation and the City of Newport News, Virginia, for the Denbigh Boulevard Interchange Justification Review Project (UPC #114752), as well as any and all additional documents necessary to effectuate and implement said Project, after the review and approval as to form of such documents by the City Attorney.

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

3. That this resolution shall be in effect on and after the date of its adoption, March 26, 2019.
URBAN PROJECT CONSTRUCTION AGREEMENT

<table>
<thead>
<tr>
<th>Project Number</th>
<th>UPC</th>
<th>Project/Street name</th>
<th>Local Government</th>
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<tbody>
<tr>
<td>0064-121-385</td>
<td>114752</td>
<td>Denbigh Blvd IJR</td>
<td>City of Newport News</td>
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</tbody>
</table>

THIS AGREEMENT, made and executed in triplicate as of this _____ day of __________, 20__, between the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT" or "VDOT" and the CITY/TOWN OF municipality's name, hereinafter referred to as the "MUNICIPALITY".

WHEREAS, the Commonwealth Transportation Board and MUNICIPALITY have allocated funds for an Interchange Justification Review at Denbigh Boulevard and I-64, Project # 0064-121-385; UPC #114752, hereinafter referred to as the "Project"; and

WHEREAS, the MUNICIPALITY has requested that the DEPARTMENT design and construct this project, and the DEPARTMENT has agreed to perform such work; and

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. The DEPARTMENT shall:

1. Complete the project as identified in this agreement, advancing such work diligently based upon the schedule identified in Appendix A.

2. Perform or have performed for, all preliminary engineering ("PE"), right-of-way acquisition ("Right of Way"), construction, contract administration, and inspection services activities for the project as required.

3. Provide the MUNICIPALITY a payment schedule for the municipality's share of estimated project costs for PE and Right of Way and for Construction, in accordance with the tabulation provided in Appendix A, and as follows:

   a) For the estimated MUNICIPALITY share, the estimated costs and payment schedule for PE and Right of Way will be determined after project scoping

   b) For the estimated MUNICIPALITY share of construction costs, prior to the award of the construction contract, Appendix A will be modified to reflect estimated construction costs
4. Remit invoices to the MUNICIPALITY for sums owed by MUNICIPALITY in accord with the amounts and schedule set forth in Appendix A.

5. Upon completion of the project, reconcile MUNICIPALITY payments (based on MUNICIPALITY’s estimated share of costs) against actual project costs allocable to the MUNICIPALITY, and reimburse MUNICIPALITY for any overpayments by the MUNICIPALITY or remit an invoice to MUNICIPALITY for any underpayment/amount still owed by the MUNICIPALITY.

B. The MUNICIPALITY shall:

1. Remit payments to the DEPARTMENT, in accordance with the amounts and schedule provided in Appendix A, within 30 days of receipt of an invoice issued by the DEPARTMENT.

2. After project completion, operate and maintain the Project, or cause it to be operated and maintained, in accord with applicable DEPARTMENT guidance and standards and in a manner satisfactory to the DEPARTMENT or its authorized representatives and make ample provision each year for such operation and maintenance.

3. After completion of the Project or any part thereof, not permit any reduction in the number of or width of traffic lanes, or any additional median crossovers and enlargement of existing median crossovers, or any alterations to channelization islands, without the prior written approval of the DEPARTMENT.

4. Erect informational, regulatory and warning signs, curb and pavement or other markings and traffic signals in conformance with the standards shown in the current edition of the Manual on Uniform Traffic Control Devices unless otherwise directed or approved by the DEPARTMENT, in writing.

5. Not permit additional access points other than those access points designated on the Project plans, without prior written approval of the DEPARTMENT. MUNICIPALITY understands and agrees that Right of Way for the Project was acquired, in contemplation of rights of access being restricted to points designated on the Project plans.

C. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement, which are set forth as estimates in Appendix A, or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project, both parties agree to cooperate in
providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the MUNICIPALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.

D. Should the project be cancelled due to action or inaction by the MUNICIPALITY, the MUNICIPALITY shall be responsible for reimbursement of all funds in accordance with Section 33.2-214 of the Code. The MUNICIPALITY will also be responsible for any costs associated with claims and liabilities due to the early termination of any construction contract(s) or improvement(s) issued pursuant to this AGREEMENT.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK
IN WITNESSETH WHEREOF, the parties sign and cause this AGREEMENT to be executed by their duly authorized officers.

CITY OF NEWPORT NEWS, VIRGINIA:

__________________________________________
Cynthia D. Rohlf
Typed or printed name of signatory
City Manager

Title ___________________________ Date ____________

ATTEST:

__________________________________________
City Clerk

Date ____________

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

__________________________________________
Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date ____________

Signature of Witness

Date ____________

Attachment
Appendix A (UPC 114752)
Project Location: ZIP+4: 23608-3800

Scope: Development of an Interchange Justification Report (IJR) for a proposed interchange at Denbigh Blvd., located between Jefferson Ave. and Ft. Eustis Blvd. on I-64 in the city of Newport News.

From: Jefferson Ave.
To: Ft. Eustis Blvd.
Locality Project Manager Contact Info: Jackie Kassel 757-926-8666, jkassel@nrva.gov
Department Project Coordinator Contact Info: Angela Biney 757-956-3113, angela.biney@vdot.virginia.gov

### Project Estimates

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<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
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<th>Estimated End Date (month/day/year)</th>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

### Project Cost and Reimbursement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Project Allocations</th>
<th>Funds type (Choose from drop down box)</th>
<th>Local % Participation for</th>
<th>Local Share Amount</th>
<th>Monthly Locality Payment to VDOT (Local Share Amount divided by Months above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$225,000</td>
<td>Local Funds</td>
<td>100%</td>
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<td>$225,000</td>
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<tr>
<td>Total PE</td>
<td>$450,000</td>
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<tr>
<td>Right of Way &amp; Utilities</td>
<td>$225,000</td>
<td>Pre-Scoping</td>
<td>0.00%</td>
<td>$0</td>
<td>$225,000</td>
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<tr>
<td>Total RW</td>
<td>$450,000</td>
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<td>Construction</td>
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<tr>
<td>Total Estimated Cost</td>
<td>$450,000</td>
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</tr>
</tbody>
</table>

**Total Maximum Reimbursement / Payment by Locality to VDOT**: $225,000

**Total Maximum Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenditures)**

<table>
<thead>
<tr>
<th>Local Funds</th>
<th>Pre-Scoping</th>
<th>Aggregate Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>$225,000</td>
<td>$225,000</td>
<td>$450,000</td>
</tr>
</tbody>
</table>

### Program and Project Specific Funding Requirements

- This is a study only project.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- VDOT has billed the LOCALLITY $0.00 for this project as of 1/31/19.
- VDOT has received $0.00 from the LOCALLITY for this project as of 1/31/19.
- The LOCALLITY shall make one payment to VDOT as follows: $225,000.00 no later than 60 days after the execution of this agreement.
- This Appendix A is for PE billings only.

This attachment is certified and made an official attachment to this document by the parties to this agreement.

Authorized Locality Official and Date
Authorized VDOT Official and Date

Typed or printed name of person signing
Typed or printed name of person signing

Revised: July 3, 2018
G. Other City Council Actions

4. Resolution Authorizing and Directing the City Manager to Execute Any and All Documents Necessary to Effectuate the Agreement Between the City of Newport News, Virginia and the Department of the Army for the James River Shoreline Emergency Streambank and Shoreline Protection Feasibility Study

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND THE DEPARTMENT OF THE ARMY FOR THE JAMES RIVER SHORELINE EMERGENCY STREAMBANK AND SHORELINE PROTECTION FEASIBILITY STUDY.

**BACKGROUND:**
- The City desires to stabilize the shoreline from 9300 to 9502 River Road.
- The United States Army Corps of Engineers is willing to participate in the study.
- The project includes a feasibility study, land acquisition, utility relocation, design and construction.

**FISCAL IMPACT:**
- The total cost of the feasibility study is $444,679 and includes 50% cost sharing, making the City’s portion $222,339.50.
- The City’s funding portion for the study is available from previously appropriated FY 2018 Stormwater funds.
- The City Manager recommends approval.

**ATTACHMENTS:**
Description
Memo to HCC re US Army Corps of Engineers Agreement 3.20.19
Location Map
sdm16798 Authorizing re Agreement between Dept of Army and City
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: U.S. Army Corp of Engineers Agreement – River Road Project

City Council is requested to approve a resolution authorizing the City Manager to execute an agreement, and any and all documents, between the City of Newport News, Virginia and the Department of the Army for the James River Shoreline Stabilization from 9300 to 9502 River Road.

The improvements will be a combination of stone riprap sills and revetments along with a living shoreline. The project will provide a more natural habitat for wildlife and water creatures to thrive in, while enhancing the aesthetics of the area.

The total cost for the feasibility study is $444,679 of which the City’s portion is $222,339.50. These funds are available from previously appropriated FY2018 Stormwater funds. Projects in this program are funded with a 65% federal, 35% local cost sharing for implementation. The preliminary total project estimate is $1,800,000. Following the feasibility study, the final estimate will be determined.

I recommend approval.

Cynthia D. Rohlf

CDR/SK

cc: Everett Skipper, Director, Department of Engineering
PROJECT LOCATION

CITY OF NEWPORT NEWS, VIRGINIA

JAMES RIVER SHORELINE STABILIZATION
AT 9300 TO 9502 RIVER ROAD
RESOLUTION NO. __________

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND THE CITY OF NEWPORT NEWS FOR THE JAMES RIVER SHORELINE EMERGENCY STREAMBANK AND SHORELINE PROTECTION FEASIBILITY STUDY.

WHEREAS, due to a collapse of the embankment and shoreline in the 9500 Block of River Road, it is necessary to study and undertake a study and ultimately a restoration project to repair the roadway, shoreline and embankment; and

WHEREAS the United States Army Corps of Engineers is willing to participate in the study.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Agreement between The Department of the Army and the City of Newport News for the James River Shoreline Emergency Streambank And Shoreline Protection Feasibility Study ("the Study"), and it further authorizes the City Manager to execute and the City Clerk to attest, any further documents necessary to effectuate the Study, after approval by the City Attorney’s Office.

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

3. That this resolution shall be in effect on and after the date of its adoption, March 26, 2019.
AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
CITY OF NEWPORT NEWS
FOR THE
JAMES RIVER SHORELINE EMERGENCY STREAMBANK AND SHORELINE PROTECTION FEASIBILITY STUDY

THIS AGREEMENT is entered into this _______ day of ________, 2019, by and between the Department of the Army (hereinafter the “Government”), represented by the District Commander for Norfolk District (hereinafter the “District Commander”) and the City of Newport News (hereinafter the “Non-Federal Sponsor”), represented by the Office of the City Manager.

WITNESSETH, THAT:

WHEREAS, Section 14 of the Flood Control Act of 1946, Public Law 79-526, as amended (33 U.S.C. 701r; hereinafter “Section 14”) authorizes a feasibility study for emergency streambank and shoreline protection along the James River in Newport News, Virginia;

WHEREAS, Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I - DEFINITIONS

A. The term “Study” means the activities and tasks required to identify and evaluate alternatives and the preparation of a decision document that, as appropriate, recommends a coordinated and implementable solution for emergency streambank and shoreline protection at the James River shoreline, Newport News, Virginia.

B. The term “shared study costs” means all costs incurred by the Government and Non-Federal Sponsor after the effective date of this Agreement that are directly related to performance of the Study and cost shared in accordance with the terms of this Agreement. The term includes, but is not necessarily limited to, the Government’s costs for preparing the PMP, for plan formulation and evaluation, including costs for economic, engineering, real estate, and environmental analyses; for preparation of a floodplain management plan if
undertaken as part of the Study; for preparing and processing the decision document; for supervision and administration; for Agency Technical Review and other review processes required by the Government; and for response to any required Independent External Peer Review; and the Non-Federal Sponsor's creditable costs for in-kind contributions, if any. The term does not include any costs for dispute resolution; participation in the Study Coordination Team; audits; an Independent External Peer Review panel, if required; or negotiating this Agreement. The term also does not include the first $100,000 of costs for the Study incurred by the Government, whether before or after execution of this Agreement.

C. The term “PMP” means the project management plan, and any modifications thereto, developed in consultation with the Non-Federal Sponsor, that specifies the scope, cost, and schedule for Study activities and tasks, including the Non-Federal Sponsor’s in-kind contributions, and that guides the performance of the Study.

D. The term “in-kind contributions” means those planning activities (including data collection and other services) that are integral to the Study and would otherwise have been undertaken by the Government for the Study and that are identified in the PMP and performed or provided by the Non-Federal Sponsor after the effective date of this Agreement and in accordance with the PMP.

E. The term “maximum Federal study cost” means the $1,500,000 Federal cost limit for the Study, unless the Government has approved a higher amount, and includes the first $100,000 of costs for the Study incurred by the Government.

F. The term “fiscal year” means one year beginning on October 1st and ending on September 30th of the following year.

ARTICLE II - OBLIGATIONS OF THE PARTIES

A. In accordance with Federal laws, regulations, and policies, the Government shall conduct the Study using funds appropriated by the Congress and funds provided by the Non-Federal Sponsor. The Non-Federal Sponsor shall perform or provide any in-kind contributions in accordance with applicable Federal laws, regulations, and policies.

B. The Non-Federal Sponsor shall contribute 50 percent of shared study costs in accordance with the provisions of this paragraph and provide required funds in accordance with Article III.

1. After considering the estimated amount of credit for in-kind contributions, if any, that will be afforded in accordance with paragraph C. of this Article and the first $100,000 of the costs incurred by the Government that are excluded from shared costs, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor to meet its share of shared study costs for the remainder of the initial fiscal year of the Study. No later
than 30 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government.

2. No later than August 1st prior to each subsequent fiscal year of the Study, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year to meet its cost share. No later than September 1st prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government.

C. The Government shall include in shared study costs and credit towards the Non-Federal Sponsor’s share of such costs, the costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in providing or performing in-kind contributions, including associated supervision and administration, after the effective date of this Agreement. Such costs shall be subject to audit in accordance with Article VI to determine reasonableness, allocability, and allowability, and crediting shall be in accordance with the following procedures, requirements, and limitations:

1. As in-kind contributions are completed and no later than 60 calendar day after such completion, the Non-Federal Sponsor shall provide the Government appropriate documentation, including invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor’s employees. Failure to provide such documentation in a timely manner may result in denial of credit. The amount of credit afforded for in-kind contributions shall not exceed the Non-Federal Sponsor’s share of shared study costs.

2. No credit shall be afforded for interest charges, or any adjustment to reflect changes in price levels between the time the in-kind contributions are completed and credit is afforded; for the value of in-kind contributions obtained at no cost to the Non-Federal Sponsor; for any items provided or performed prior to completion of the PMP; or for costs that exceed the Government’s estimate of the cost for such item if it had been performed by the Government.

D. To the extent practicable and in accordance with Federal laws, regulations, and policies, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on solicitations for contracts prior to the Government’s issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

E. The Non-Federal Sponsor shall not use Federal Program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Study. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.
F. Except as provided in paragraph C. of this Article, the Non-Federal Sponsor shall not be entitled to any credit or reimbursement for costs it incurs in performing its responsibilities under this Agreement.

G. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all the requirements of applicable Federal laws and implementing regulations, including, but not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

H. If Independent External Peer Review (IEPR) is required for the Study, the Government shall conduct such review in accordance with Federal laws, regulations, and policies. The Government’s costs for an IEPR panel shall not be included in shared study costs or the maximum Federal study cost.

I. In addition to the ongoing, regular discussions of the parties in the delivery of the Study, the Government and the Non-Federal Sponsor may establish a Study Coordination Team to discuss significant issues or actions. The Government’s costs for participation on the Study Coordination Team shall not be included in the shared study costs, but shall be included in calculating the maximum Federal study cost. The Non-Federal Sponsor’s costs for participation on the Study Coordination Team shall not be included in shared study costs and shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

ARTICLE III - PAYMENT OF FUNDS

A. As of the effective date of this Agreement, shared study costs are projected to be $444,679.00, with the Government’s share of such costs projected to be $222,339.50 and the Non-Federal Sponsor’s share of such costs projected to be $222,339.50. These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

B. The Government shall provide the Non-Federal Sponsor with quarterly reports setting forth the estimated shared study costs and the Government’s and Non-Federal Sponsor’s estimated shares of such costs; costs incurred by the Government, using both Federal and Non-Federal Sponsor funds, to date; the amount of funds provided by the Non-Federal Sponsor to date; the estimated amount of any creditable in-kind contributions; and the estimated remaining cost of the Study.

C. The Non-Federal Sponsor shall provide to the Government required funds by delivering a check payable to “FAO, USAED, Norfolk District (E4)” to the District Commander, or verifying to the satisfaction of the Government that the Non-Federal
Sponsor has deposited such required funds in an escrow or other account acceptable to the Government, with interest accruing to the Non-Federal Sponsor, or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

D. The Government shall draw from the funds provided by the Non-Federal Sponsor to cover the non-Federal share of shared study costs as those costs are incurred. If the Government determines at any time that additional funds are needed from the Non-Federal Sponsor to cover the Non-Federal Sponsor’s required share of shared study costs, the Government shall provide the Non-Federal Sponsor with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsor shall provide the Government with the full amount of such additional funds.

E. Upon completion of the Study and resolution of all relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds. Should the final accounting determine that the Non-Federal Sponsor has provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds. Such final accounting does not limit the Non-Federal Sponsor’s responsibility to pay its share of shared study costs, including contract claims or any other liability that may become known after the final accounting.

ARTICLE IV - TERMINATION OR SUSPENSION

A. Upon 30 calendar days written notice to the other party, either party may elect at any time, without penalty, to suspend or terminate future performance of the Study. Furthermore, unless an extension is approved by the Assistant Secretary of the Army (Civil Works), the Study may be terminated if a Detailed Project Report is not completed for the Study within 3 years after the effective date of this Agreement.

B. In the event of termination, the parties shall conclude their activities relating to the Study. To provide for this eventuality, the Government may reserve a percentage of available funds as a contingency to pay the costs of termination, including any costs of resolution of contract claims, and resolution of contract modifications.

C. Any suspension or termination shall not relieve the parties of liability for any obligation incurred. Any delinquent payment owed by the Non-Federal Sponsor pursuant to this Agreement shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13 week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3 month period if the period of delinquency exceeds 3 months.
ARTICLE V - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

ARTICLE VI - MAINTENANCE OF RECORDS AND AUDIT

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits of the Study. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government’s costs of audits for the Study shall not be included in shared study costs, but shall be included in calculating the maximum Federal study cost.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor’s activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

ARTICLE VII - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.
ARTICLE VIII - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:

City of Newport News
Office of the City Manager
City Manager
City Hall
2400 Washington Ave.
Newport News, Virginia 23607

If to the Government:

Norfolk District Commander
803 Front Street
Norfolk, Virginia 23510

B. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this Article.

ARTICLE IX - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE X - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.
ARTICLE XI - OBLIGATIONS OF FUTURE APPROPRIATIONS

The Non-Federal Sponsor intends to fulfill fully its obligations under this Agreement. Nothing herein shall constitute, nor be deemed to constitute, an obligation of future appropriations by the City Council of Newport News, where creating such an obligation would be inconsistent with Article VII, Section 10, of the Virginia Constitution.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

BY: ____________________________
    PATRICK V. KINSMAN
    Colonel, U.S. Army
    District Commander

DATE: __________________________

CITY OF NEWPORT NEWS

BY: ____________________________
    CYNTHIA D. ROHLF
    City Manager

DATE: __________________________

ATTEST: ________________________
        City Clerk

APPROVED AS TO FORM:

______________________________
City Attorney
G. Other City Council Actions

5. Resolution Approving the Issuance by Newport News Redevelopment and Housing Authority (NNRHA) of Its Multi-Family Housing Revenue Bonds for the Acquisition, Construction, Renovation, Rehabilitation and Equipping of the Ivy Farms Apartments Project

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROVING THE ISSUANCE BY NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY (NNRHA) OF ITS MULTI-FAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTI-FAMILY HOUSING FACILITY LOCATED AT 617-621 ADAMS DRIVE AND 698 DRESDEN DRIVE.

BACKGROUND:

- 617 Adams Drive, LLC desires to finance or refinance the acquisition, renovation and equipping of an existing apartment complex, consisting of 168 units, known as Ivy Farms Apartments located at 617-621 Adams Drive and 698 Dresden Drive.

- In order to assist with the financing of the project, 617 Adams Drive, LLC sought NNRHA's issuance of Multi-Family Housing Revenue Bonds in an amount not to exceed $16,780,000.

- NNRHA approved a resolution at its February 19, 2019 Board meeting for issuance of the bonds for the benefit of 617 Adams Drive, LLC and the Ivy Farms Apartments Project and held the required public hearing.

- NNRHA recommends that City Council approve the issuance of the bonds as required by statute and the Internal Revenue Code.

- The City Manager recommends approval.

FISCAL IMPACT: N/A

ATTACHMENTS:

Description
Memo to HCC re NNRHA Ivy Farms Apts Bond 3.20.19
Attachment 1
Attachment 2
Attachment 3
Attachment 4
Attachment 5
Attachment 6
sdm16789 Approving the Issuance by NNRHA of Revenue Bonds
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

March 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: 617 Adams Drive, LLC Revenue Bonds Issuance - $16,780,000

At an official public hearing held on February 19, 2019, the Newport News Redevelopment and Housing Authority (NNRHA) approved an inducement resolution authorizing a bond issuance, in an amount not to exceed $16,780,000, on behalf of 617 Adams Drive, LLC. The bonds will be used to finance or refinance a portion of the cost of acquisition, construction, renovation, rehabilitation and equipping of an existing apartment complex located at 617-621 Adams Drive and 698 Dresden Drive in the City. The complex, known as Ivy Farms Apartments, has been in existence since the mid-1960s.

The Ivy Farms Apartments Project currently houses families and individuals of lower and moderate income. The Project consists of 20 garden-style apartment buildings that contain a total of 168 units.

The owner/developer proposes to perform significant renovations to the individual apartments. As the complex is at approximately 80% occupancy, existing residents will be housed on-site in vacant units or in some cases may be temporarily housed off-site while the renovations are completed.

City Council is required to take public action to consider jurisdictional approval of the issuance of the bonds. A certified copy of the Notice of Public Hearing, a Summary of Statements from the Public Hearing, an Extract of Minutes, a certified copy of the NNRHA Resolution and an executed Fiscal Impact Statement are attached for your convenience of reference. A map of the Project site is also attached.
The Honorable City Council
Page 2
617 Adams Drive, LLC Revenue Bonds Issuance - $16,780,000
March 20, 2019

The approval of the issuance of the bonds for the benefit of 617 Adams Drive, LLC, does not constitute an endorsement to any prospective purchaser of the bonds of the creditworthiness of the project or the applicant or any person. The bonds shall continue to provide that neither the City, nor NNRHA shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from funds and properties pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, NNRHA or the City shall be pledged thereto.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:tfw

Attachments (6)

cc: Karen Wilds, Executive Director, NNRHA
    Florence G. Kingston, Director, Department of Development
COMMONWEALTH OF VIRGINIA
CITY OF NEWPORT NEWS

This day, personally appeared before me, George Hunt, and made oath as follows:

1. He/She is employed in the Office Services Department of the Daily Press, LLC., a newspaper publishing company in the City of Newport News, Virginia.
2. The annexed advertisement of Order No. 6120861 was published for 2 insertion(s) in the Daily Press on the following dates:

   Feb 05, 2019; Feb 12, 2019

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

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

George Hunt

2/12/2019 Date

Subscribed and sworn to before me:

This 20th day of Feb. 2019.

My commission expires: August 31, 2021

Signature of Notary Public

Registration Number: 7713830
NOTICE OF PUBLIC HEARING BEFORE THE
NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
ON PROPOSED PRIVATE ACTIVITY BOND FINANCING FOR
IVY FARM APARTMENTS MULTIFAMILY HOUSING FACILITY

Notice is hereby given that the Newport News Redevelopment and Housing Authority (the "Authority") will hold a public hearing on the request of 617 Adams Drive LLC, a Virginia limited liability company (the "Borrower"), whose address is 101 West Commerce Road, Richmond, Virginia 23224, for the issuance by the Authority of up to $16,780,000 of its revenue bonds (the "Bonds") to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 20 garden-style apartment buildings containing approximately 168 units representing approximately 163,800 rentable square feet and known as Ivy Farms Apartments (the "Project"), located on approximately 8.05 acres at 617-621 Adams Drive and 698 Dresden Drive in the City of Newport News, Virginia, and (2) certain costs incurred in connection with the issuance of the Bonds (collectively (1) and (2), the "Plan of Finance"). The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended. The Project will be owned by the Borrower or an entity affiliated with and controlled by or under common ownership with the Borrower. The public hearing, which may be continued or adjourned, will be held at 8:30 a.m. on February 19, 2019 before the Authority at the Authority's office located at 227 27th Street, Newport News, Virginia 23607.

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

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

NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
Advertised: February 5 and February 12, 2019
SUMMARY OF STATEMENTS

Representatives of 617 Adams Drive LLC and McGuireWoods LLP, bond counsel, appeared before the Authority to explain the proposed plan of financing. No one appeared in opposition to the proposed bond issue.
EXTRACT FROM THE MINUTES OF THE MEETING OF THE
BOARD OF COMMISSIONERS OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
HELD ON FEBRUARY 19, 2019

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

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

Lou Call
Josephine Clark
Gary B. Hunter
Lisa Wallace-Davis

* * * *

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

A RESOLUTION OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE ISSUANCE OF UP TO $16,780,000 MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA

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

AYES
Lou Call
Gary B. Hunter
Josephine Clark
Lisa Wallace-Davis

ABSTAIN

The Chairman thereupon declared said motion carried.

* * * *

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

CERTIFICATE OF RECORDING OFFICER

I, Karen R. Wilds, the duly appointed, qualified and acting Secretary-Treasurer of the Newport News Redevelopment and Housing Authority, do hereby certify that the above extract from the minutes of a meeting of the Board of Commissioners, held on February 19, 2019 is a true and correct copy of the original minutes of such meeting on file and of record in so far as they relate to the matters set forth in the above extract, and I do further certify that such extract is a true and correct copy of a motion adopted at such meeting and on file and of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the Seal of said Authority this nineteenth day of February, 2019.

Karen R. Wilds
President
FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING

Date: February 19, 2019

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

Applicant: 617 Adams Drive LLC

Facility: Multi-Family Housing Facility known as Ivy Farms Apartments

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<thead>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Maximum amount of financing sought.</td>
<td>$ 16,780,000</td>
</tr>
<tr>
<td>2</td>
<td>Estimated taxable value of the facility’s real property to be constructed in the locality.</td>
<td>$ 15,500,000</td>
</tr>
<tr>
<td>3</td>
<td>Estimated real property tax per year using present tax rates.</td>
<td>$ 98,711</td>
</tr>
<tr>
<td>4</td>
<td>Estimated personal property tax per year using present tax rates.</td>
<td>$ 0</td>
</tr>
<tr>
<td>5</td>
<td>Estimated merchants’ capital tax per year using present tax rates.</td>
<td>$ 0</td>
</tr>
<tr>
<td>6</td>
<td>Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.</td>
<td>$ 2,940,000</td>
</tr>
<tr>
<td></td>
<td>(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.</td>
<td>$ 227,000</td>
</tr>
<tr>
<td></td>
<td>(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.</td>
<td>$ 3,240,000</td>
</tr>
<tr>
<td></td>
<td>(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.</td>
<td>$ 55,000</td>
</tr>
<tr>
<td>7</td>
<td>Estimated number of regular employees on year round basis.</td>
<td>5</td>
</tr>
<tr>
<td>8</td>
<td>Average annual salary per employee.</td>
<td>$ 45,000</td>
</tr>
</tbody>
</table>

Chair, Newport News Redevelopment and Housing Authority

111466436_3
RESOLUTION OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE ISSUANCE OF UP TO $16,780,000 MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA

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

WHEREAS, 617 Adams Drive LLC, a Virginia limited liability company (the “Borrower”) has requested that the Authority agree to issue its multifamily residential rental housing revenue bonds under the Act in an amount not to exceed $16,780,000 (the “Bonds”), the proceeds of which will be used to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 20 garden-style apartment buildings containing approximately 168 units representing approximately 163,800 rentable square feet and known as Ivy Farms Apartments, located on approximately 8.05 acres at 617-621 Adams Drive and 698 Dresden Drive in the City of Newport News, Virginia (the “Project”) and (2) certain costs incurred in connection with the issuance of the Bonds (collectively (1) and (2), the “Plan of Finance”); and

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

WHEREAS, preliminary plans for the Plan of Finance have been described to the Authority and a public hearing (the “Public Hearing”) has been held on February 19, 2019 with respect to the Plan of Finance and the Bonds in accordance with Section 147(f) of the Code and Section 15.2-4906, as applicable to housing authorities, of the Virginia Code; and

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

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

1. The foregoing recitals are approved by the Authority and are incorporated in, and deemed a part of, this resolution.

2. It is hereby found and determined that the Plan of Finance will further the public purposes of the Act by assisting in providing housing to low and moderate income persons in the City.
3. It is hereby found and determined that the Project will constitute a “housing project” as that term is defined in the Act.

4. To induce the Borrower to undertake the Plan of Finance and maintain the Project as a “qualified residential rental project” within the meaning of Section 142(d) of the Code, the Authority hereby agrees, subject to approvals required by applicable law, to assist the Borrower in financing the Plan of Finance, including the financing of reserve funds as permitted by applicable law, by undertaking the issuance of (and hereby declares its official intent to issue) the Bonds in the maximum principal amount not to exceed $16,780,000 upon the terms and conditions to be mutually agreed upon between the Authority and the Borrower. The Bonds shall be issued in form and pursuant to terms to be set by the Authority. The Bonds may be issued in one or more series at one time or from time to time, and the Bonds of any such series may be either taxable or tax-exempt for purposes of federal income taxation.

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

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

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

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

9. All costs and expenses in connection with the Plan of Finance, including the fees and expenses of the Authority (including, without limitation, any application fee and/or origination fee), bond counsel, counsel for the Authority and any placement agent or underwriter for the sale of the Bonds or purchaser of the Bonds shall be paid from the proceeds of the Bonds (but only to the extent permitted by applicable law) or by the Borrower. If for any reason such Bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.
10. In adopting this resolution the Authority intends to evidence its “official intent” to reimburse the Plan of Finance expenditures with proceeds from the issuance of the Bonds within the meaning of Treasury Regulations Section 1.150-2.

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

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

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

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

15. The Chair, Vice Chair, Secretary-Treasurer and any other officer of the Authority, any of whom may act, or his or her designee, is hereby authorized to request an allocation or allocations of the State Ceiling (as defined in Section 15.2-5000 of the Virginia Code) in accordance with the applicable provisions of the Virginia Code and any regulations or executive orders issued thereunder. All costs incurred by the Authority, if any, in connection with such proceedings shall be paid for by the Borrower.

16. No Bonds may be issued pursuant to this resolution until such time as (a) the issuance of the Bonds has been approved by the City Council, (b) the Bonds have received an allocation or allocations of the State Ceiling in accordance with the applicable provisions of the
Virginia Code and any regulations or executive orders issued thereunder and (c) the final terms and details of the Bonds have been approved by subsequent resolution of the Authority.

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

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

Adopted: February 19, 2019
CERTIFICATE OF VOTES

Record of the roll-call vote by the Newport News Redevelopment and Housing Authority, upon reading of a resolution titled "RESOLUTION OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE ISSUANCE OF UP TO $16,780,000 MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA" taken at a meeting of the Authority held on February 19, 2019:

<table>
<thead>
<tr>
<th>Name</th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Lou Call, Chairwoman</td>
<td>☑</td>
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<tr>
<td>Gary B. Hunter, Vice Chairman</td>
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<tr>
<td>Mark Hager</td>
<td>☑</td>
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<tr>
<td>Josephine W. Clark</td>
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<tr>
<td>Kenneth D. Penrose, Jr.</td>
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<td>Dr. Lisa Wallace-Davis</td>
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<tr>
<td>William C. Black</td>
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</table>

Dated: February 19, 2019

(SEAL)

Chair, Newport News Redevelopment and Housing Authority

ATTEST: [Signature]

Secretary-Treasurer

The undersigned Secretary-Treasurer of the Newport News Redevelopment and Housing Authority hereby certifies that the foregoing is a true, correct, and complete copy of a resolution adopted by the Authority's commissioners present and voting at a meeting duly called and held on February 19, 2019, in accordance with law, and that such resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the Authority this 19th day of February, 2019.

NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY

By: [Signature]

Secretary-Treasurer
RESOLUTION NO. ____________

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE ISSUANCE BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA.

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

WHEREAS, the Authority has considered the application of 617 Adams Drive LLC, a Virginia limited liability company (the “Borrower”), requesting that the Authority issue up to $16,780,000 of its revenue bonds (the “Bonds”) to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 20 garden-style apartment buildings containing approximately 168 units representing approximately 163,800 rentable square feet and known as Ivy Farms Apartments, located on approximately 8.05 acres at 617-621 Adams Drive and 698 Dresden Drive in the City of Newport News, Virginia (the “Project”) and (2) certain costs incurred in connection with the issuance of the Bonds (collectively (1) and (2), the “Plan of Finance”) and has held a public hearing in connection therewith on February 19, 2019 (the “Public Hearing”); and

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

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

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

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

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

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

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

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

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

5. This resolution shall be in effect on and after the date of its adoption, March 26, 2019.
CERTIFICATE

Record of the roll-call vote by the City Council of the City of Newport News, Virginia, upon reading on
a resolution titled “A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS,
VIRGINIA, APPROVING THE ISSUANCE BY THE NEWPORT NEWS REDEVELOPMENT
AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE
ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF
THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE
CITY OF NEWPORT NEWS, VIRGINIA,” taken at a meeting of the City Council held on March 26,
2019:

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<tr>
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<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>McKinley L. Price, DDS, Mayor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tina L. Vick Vice Mayor</td>
<td></td>
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<tr>
<td>Marcellus L. Harris, III</td>
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<td>Sharon P. Scott</td>
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<tr>
<td>David H. Jenkins</td>
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<tr>
<td>Saundra Nelson Cherry, D. Min.</td>
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<tr>
<td>Dr. Patricia P. Woodbury</td>
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</table>

Dated: March 26, 2019

[SEAL]

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

The undersigned Clerk of the City Council of the City of Newport News, Virginia, hereby certifies that
the foregoing is a true, correct, and complete copy of a resolution adopted by the City Council at its meeting
duly called and held on March 26, 2019, in accordance with law, and that such resolution has not been
repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Newport News, Virginia this 26th day of March, 2019.

[SEAL]

________________________
Clerk, City Council of the City of Newport News, Virginia
H. Appropriations

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

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

J. Old Business, New Business and Councilmember Comments

   City Manager
   City Attorney
   City Clerk

   Cherry
   Harris
   Jenkins
   Price
   Scott
   Vick
   Woodbury

K. Adjourn

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