AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

APRIL 23, 2019

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation
  • Apostle C. L. Spells, Harvestland Ministries International

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

D. Presentations
  1. Proclamation: Public Service Recognition Week, May 5-11, 2019

E. Public Hearings
  1. Ordinance Authorizing the City Manager to Make Offers, Negotiate, or Condemn, If Necessary, to Acquire, By Purchase or Condemnation, Temporary And Permanent Easements for the Lynchburg Drive Stream Restoration Project, and to Execute Any and All Documents Necessary to Complete the Project
  2. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, Definitions of Certain Words and Terms; By Adding the Definition of Food Truck Vendor
  3. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article IV., Summary of Uses By District; Section 45-402, Summary of Uses By District; By Amending Permitted Uses "J" Retail Services
  4. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article V., General Regulations; By Adding Section 45-537, Food Truck Vendors on Private Property
5. Resolution Authorizing and Directing the City Manager to Execute a Tower Attachment Lease By and Between the City of Newport News, Virginia, and Creative Educational Media Corporation, Incorporated

6. Ordinance Authorizing and Directing the City Manager to Execute, Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of City-Owned Property Located at 2102 Madison Avenue and 715-21st Street to the Newport News Redevelopment and Housing Authority (NNRHA)

F. Consent Agenda

1. Minutes of the Work Session of April 9, 2019
2. Minutes of the Special Meeting of April 9, 2019
3. Minutes of the Regular Meeting of April 9, 2019
4. Minutes of the Budget Public Hearing of April 11, 2019

G. Other City Council Actions

1. Resolution Supporting the Department of Waterworks' Application to the Virginia Department of Health (VDH) for the Lead Service Line Replacement Program Grant
2. Resolution Authorizing and Directing the City Manager to Execute Any and All Documents Necessary to Effectuate the Master Agreement By and Between the City of Newport News, Virginia and Hampton Roads Economic Development Alliance (HREDA) for Regional Economic Development

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

K. Adjourn

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

B. Invocation – Apostle C. L. Spells, Harvestland Ministries International

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

D. Presentations
E. Public Hearings

1. Ordinance Authorizing the City Manager to Make Offers, Negotiate, or Condemn, If Necessary, to Acquire, By Purchase or Condemnation, Temporary And Permanent Easements for the Lynchburg Drive Stream Restoration Project, and to Execute Any and All Documents Necessary to Complete the Project

ACTION:  A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE OFFERS, NEGOTIATE, OR CONDEMN, IF NECESSARY, TO ACQUIRE, BY PURCHASE OR CONDEMNATION, TEMPORARY AND PERMANENT EASEMENTS FOR THE LYNCHBURG DRIVE STREAM RESTORATION PROJECT, AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE PROJECT.

BACKGROUND:  
- The Lynchburg Drive Stream Restoration project scope includes restoration and stabilization of an existing open drainage channel conveying public stormwater.
- The easements acquired are for the construction and maintenance of the stream by the City.

FISCAL IMPACT:  
- Funding for these acquisitions is available through previously appropriated City funds.
- The City Manager recommends approval.

ATTACHMENTS:
Description
Memo to HCC re Lynchburg Drive Stream Restoration Land Acquisitions 4.17.19
Location Map Lynchburg Drive
rag1647 Authorizing Purchase of Property - Lynchburg Dr Channel Improvements
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

April 17, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Lynchburg Drive Stream Restoration Land Acquisitions

City Council is requested to approve an ordinance authorizing the City Manager to make offers, negotiate, or condemn if necessary, to acquire temporary construction and permanent easements, and to execute any and all documents necessary to complete the Lynchburg Drive Stream Restoration project.

The easements being acquired will be used to restore and stabilize an existing open drainage channel conveying public stormwater. The easements will allow access during construction and maintenance activities when the project has been completed.

Funding is available from previously appropriated funds.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:MDC:mjd

Attachment

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE OFFERS TO ACQUIRE, BY PURCHASE OR CONDEMNATION, PORTIONS OF CERTAIN PARCELS OF REAL PROPERTY HEREINAFTER MORE PARTICULARLY DESCRIBED, FOR THE LYNCHBURG DRIVE CHANNEL IMPROVEMENTS PROJECT, TO PROVIDE FUNDS FOR THIS PURPOSE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN.

WHEREAS, in the opinion of the Council of the City of Newport News, a public necessity exists for the acquisition of certain real property interests, hereinafter more particularly described, for the purpose of the Lynchburg Drive Channel Improvements Project ("the Project"), for permanent utility and drainage easement acquisitions on Parcels 1 through 3 and 5 through 7 and temporary construction easements on Parcels 1 through 5 and 8 for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the City of Newport News.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, after a properly noticed Public Hearing on March 12, 2019, pursuant to Virginia Code §15.2-1903:

Section 1. That the Council hereby authorizes the acquisition of the required interests on each parcel by general warranty deed or other interests in the properties identified in Section 6 of this ordinance.

Section 2. That the City Attorney be, and hereby is, authorized and directed to acquire in a manner provided by Title 15.2, Chapter 19 and Title 25.1, Chapters 2 and 3, of the Code of Virginia, 1950, as amended, interests in those certain properties located in the City of Newport News, Virginia, together with all rights appurtenant thereto, if appropriate, to implement the Project, the said properties where the interests are to be acquired, and a preliminary indication of ownership being more particularly described in Section 6 of this ordinance.

Section 3. That the City Manager is hereby authorized and directed to act for and on behalf of the City of Newport News in agreeing and disagreeing with the owners of the properties upon the compensation to be paid therefor within the limits of the funds provided herein for this purpose as set out in Section 6 of this ordinance and further to execute any documents necessary to accomplish this purpose.

Section 4. That in order to provide funds for the acquisition of interests in the said properties and to defray the costs incident thereto, the sum of TWENTY-FOUR THOUSAND EIGHT HUNDRED THIRTY AND 00/100 DOLLARS ($24,830.00) or so much thereof as may be necessary, is hereby designated from funds appropriated for acquisition of the hereinafter described properties.
Section 5. That the authority to acquire interests in the property listed in Section 6 of this ordinance shall include all necessary authority to acquire clear title to those properties and shall, without intending to be a limitation, include the authority to institute proceedings against successors in title or to institute eminent domain proceedings in order to establish clear title.

Section 6. That the present owners of the properties to be acquired, or interests therein, and a description of said properties or their interests, and the funds necessary to compensate the owners of the properties are as follows (the interests to be acquired being fee simple ownership unless otherwise indicated on the plats attached hereto):

Parcel 01 - A permanent drainage and utility easement of 1,336 square feet for THREE THOUSAND NINE HUNDRED SIX AND 00/100 DOLLARS ($3,906.00) and a temporary construction easement of 977 square feet for THREE HUNDRED SEVENTEEN AND 00/100 DOLLARS ($317.00) from Nolan Reid III and Laura Reid. The interests to be acquired affect a parcel identified as 137 Parker Avenue, Newport News, Virginia, Tax Parcel ID #201000262, and more particularly described on a plat attached to this Ordinance as Exhibit 1.

Parcel 02 - A permanent drainage and utility easement of 1,757 square feet for SIX THOUSAND FOUR HUNDRED SIXTY-THREE AND 00/100 DOLLARS ($6,463.00) and a temporary construction easement of 357 square feet for ONE HUNDRED FORTY-SIX AND 00/100 DOLLARS ($146.00) from Matthew Underwood and Ashley Underwood. The interests to be acquired affect a parcel identified as 139 Parker Avenue, Newport News, Virginia, Tax Parcel ID #201000263, and more particularly described on a plat attached to this Ordinance as Exhibit 2.

Parcel 03 - A permanent drainage and utility easement of 1,532 square feet for THREE THOUSAND THREE HUNDRED THIRTY-TWO AND 00/100 DOLLARS ($3,332.00) and a temporary construction easement of 876 square feet for TWO HUNDRED TWELVE AND 00/100 DOLLARS ($212.00) from Charles Anderson and Alecia Anderson. The interests to be acquired affect a parcel identified as 17 Winder Crescent, Newport News, Virginia, Tax Parcel ID #201000254, and more particularly described on a plat attached to this Ordinance as Exhibit 3.

Parcel 04 - A temporary construction easement of 881 square feet for THREE HUNDRED NINETY-NINE AND 00/100 DOLLARS ($399.00) from Robert Perry and Margaret Perry. The interest to be acquired affects a parcel identified as 15 Winder Crescent, Newport News, Virginia, Tax Parcel ID #201000253, and more particularly described on a plat attached to this
Ordinance as Exhibit 4.

Parcel 05 - A permanent drainage and utility easement of 1,590 square feet for EIGHT THOUSAND TWO HUNDRED THIRTEEN AND 00/100 DOLLARS ($8,213.00) for Alisha Lee and Jeffrey Lee. The interest to be acquired affects a parcel identified as 327 Lynchburg Drive, Newport News, Virginia, Tax Parcel ID #201000219, and more particularly described on a plat attached to this Ordinance as Exhibit 5.

Parcel 06 - A permanent drainage and utility easement of 307 square feet for ONE THOUSAND EIGHT HUNDRED FORTY-TWO AND 00/100 DOLLARS ($1,842.00) from Jordan McCrum and Kimberly McCrum. The interest to be acquired affects a parcel identified as 331 Lynchburg Drive, Newport News, Virginia, Tax Parcel ID #201000538, and more particularly described on a plat attached to this Ordinance as Exhibit 6.

Section 7. That this Ordinance shall be in effect on and after the date of its adoption, April 23, 2019.
LOT 8
HICKORY HILLS - SEC. 2
PARCEL ID #201000253
D.B. 1373, PG. 885
#15 WINDER CRES.

NOW OR FORMERLY
CHARLES E. & ALECIA A.
ANDERSON
PID 201000254
D.B. 1537, PG. 817
LOT 9

NOW OR FORMERLY
ROBERT G. & MARGARET M.
PERRY

3.85' (TIE)
N86°05'16"E
N35°42'46"W
179.91'
10.68'
N48°14'20"W
12.25'
N53°00'14"W
35.75'
N0°41'24"E
10.63'
N49°33'28"W
38.19'
N40°42'09"E
7.08'

20' DRAINAGE AND
UTILITY EASEMENT
P.B. 12, PG. 75

NOW OR FORMERLY
JORDAN & KIMBERLY
MCCORMICK
PID 201000539
INST. #14001264

NOW OR FORMERLY
CLIFFORD J. & SUSAN B.
GOODWIN
PID 201000537
D.B.1790, PG.1923
20' DRAINAGE
EASEMENT
D.B. 1387, PG. 1331

LEGEND

DENOTES TEMPORARY CONSTRUCTION
EASEMENT HEREBY CONVEYED TO
THE CITY OF NEWPORT NEWS - 881 S.F. (TOTAL)

NOTES:

1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE CITY OF NEWPORT NEWS GEOCENTRIC
COORDINATE SYSTEM, STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83) (1992). UNITS ARE
U.S. SURVEY FEET.

2. PROPERTY LINES SHOWN ARE BASED ON COMPILED RECORD INFORMATION, TAX MAP INFORMATION
AND MADE TO FIT FIELD FOUND MONUMENTATION. THIS PLAT IS FOR EASEMENT PURPOSES ONLY
AND DOES NOT CONSTITUTE A PHYSICAL OR BOUNDARY SURVEY.

References:
D.B.1387, PG.1331
P.B. 12, PG. 75

NOW OR FORMERLY
MICHAEL HOBBY
PID 201000536
INST. #130010641

7/27/18
PAUL W. MICHAEL, JR.
LICENSEE NO. 002438

COMMONWEALTH OF VIRGINIA
LAND SURVEYOR

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD., SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD., SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

PLAT OF EASEMENT
FROM: ROBERT G. & MARGARET M. PERRY
TO: CITY OF NEWPORT NEWS
PROJECT: STREAM RESTORATION ACTIVITIES &
STORMWATER MANAGEMENT
IMPROVEMENTS, LYNCHBURG DRIVE AREA

Date: 7/27/18
Scale: 1”=20’
Job No.: 17-096

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD., SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772
NOW OR FORMERLY
JEFFREY & ALISHA LEE
LOT 52
HIDDEN ESTATES
PARCEL ID: #201000219
INST. #180006185
#327 LYNCHBURG DRIVE

EXISTING TANK
LOCATION

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY AND DRAINAGE EASEMENT HEREDY CONVEYED TO THE CITY OF NEWPORT NEWS. - 1,590 S.F. (TOTAL)

NOTES:
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE CITY OF NEWPORT NEWS GEOETIC CONTROL NETWORK, STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83) (1992), UNITS ARE U.S. SURVEY FEET.
2. PROPERTY LINES SHOWN ARE BASED ON COMPILED RECORD INFORMATION, TAX MAP INFORMATION AND MADE TO FIT FIELD FOUND MONUMENTATION. THIS PLAT IS FOR EASEMENT PURPOSES ONLY AND DOES NOT CONSTITUTE A PHYSICAL OR BOUNDARY SURVEY.

References:
D.B. 1387, PG. 1331
P.B. 6, PG. 155

PLAT OF EASEMENT
FROM: JEFFREY & ALISHA LEE
TO: CITY OF NEWPORT NEWS
PROJECT: STREAM RESTORATION
ACTIVITIES & STORMWATER MANAGEMENT IMPROVEMENTS, LYNCHBURG DRIVE AREA

Notes:
Date: 7/27/18  Scale: 1"=20'  Job No.: 17-098

M. MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762  FAX 757.873.1772
E. Public Hearings

2. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, Definitions of Certain Words and Terms; By Adding the Definition of Food Truck Vendor

**ACTIONS:** A REQUEST TO ADOPT AN ORDINANCE AMENDING AND REORDAINING CITY CODE CHAPTER 45, ZONING ORDINANCE; ARTICLE II., DEFINITIONS; SECTION 45-201, DEFINITIONS OF CERTAIN TERMS; BY ADDING THE DEFINITION OF FOOD TRUCK VENDOR.

**BACKGROUND:**
- This amendment provides a definition of food truck vendors in the zoning ordinance.
- On April 3, 2019, the City Planning Commission voted unanimously 8:0 to recommend adoption of the amendment.

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

- The City Manager recommends approval.

**FISCAL IMPACT:**
- N/A

**ATTACHMENTS:**
- Memo to HCC re Ordinance Amending Chpt 45, Sec 45-201 4.17.19
- Staff Report and CPC Minutes
- sdm16713 Amending Sec 45-201 (Food truck vendor)
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Chapter 45 Zoning Text No. ZT-2019-0001 Ordinance Amendment

The request is to amend Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, Definition of certain words and terms, to add the definition of food truck vendor to the zoning ordinance.

As food truck vendors have become a popular business opportunity, the City is seeking to allow the use on private property. This amendment provides a definition of food truck vendors in the Zoning Ordinance.

On April 3, 2019, the City Planning Commission voted unanimously 8:0 to recommend adoption of the zoning text amendment.

I recommend approval.

Cynthia D. Rohlf

CDR:fdc

Attachment

cc: Sheila W. McAllister, Director, Department of Planning
BACKGROUND

The request is to amend Article II., Definitions, Section 45-201, Definition of Certain Words and Terms, to add the definition of food truck vendor to the zoning ordinance.

As food truck vendors have become more popular, opportunities for new chefs to utilize this type of business model has increased. The food vendors of the past have been replaced with those serving gourmet food to customers competing with restaurants during busy lunch times. Many food truck vendors create a social media presence as a way to build a following with the intent of moving to a permanent location.

Currently food truck vendors can operate in the city either within the public rights-of-way as defined in City Code Chapter 38, Streets and Sidewalks, or on private property as part of a special event. Given the changes in the industry and the popularity of food truck vendors, the city is seeking to allow the use on private property and define the use in the zoning ordinance.

The proposed amendment provides a definition of food truck vendors as a vendor who sells food and non-alcoholic beverages from a motor vehicle or trailer licensed to be operated by the Virginia Department of Motor Vehicles.

On February 20, 2019, the Regulations Committee reviewed and recommends approval of the above referenced amendment.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0001.

CPC RECOMMENDATION

On April 3, 2019, the Planning Commission voted unanimously (8:0) to recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0001.
A-1   ARTICLE II, DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS.

A-2   EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF APRIL 3, 2019
ORDINANCE NO. ________________

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

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

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would add the definition of food truck vendor; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the addition of the definition of food truck vendor in Section 45-201.

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

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

   Food truck vendor. Any vendor who sells food and non-alcoholic beverages from a motor vehicle or a trailer licensed to be operated on the highway by the Virginia Department of Motor Vehicles, other than a vendor operating exclusively as an ice cream vendor as that term is defined in Section 17-99 of the city code.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.
EXCERPTS FROM PLANNING COMMISSION MINUTES

April 3, 2019

**ZT-2019-0001, City of Newport News**  Requests an amendment to the zoning ordinance to add the definition of food truck vendor in Section 45-201.

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

Mr. Simmons opened and closed the public hearing.

Mr. Simmons thanked Mr. Carpenter and the Regulations Committee for vetting the amendment.

Ms. Fox made a motion to recommend adoption of zoning text amendment ZT-2019-0001 to City Council. The motion was seconded by Ms. Willis.

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

The Planning Commission voted unanimously (8:0) to recommend adoption of zoning text amendment ZT-2019-0001 to City Council.
ORDINANCE NO. ____________________

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

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

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would add the definition of food truck vendor; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the addition of the definition of food truck vendor in Section 45-201.

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

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

   **Food truck vendor.** Any vendor who sells food and non-alcoholic beverages from a motor vehicle or a trailer licensed to be operated on the highway by the Virginia Department of Motor Vehicles, other than a vendor operating exclusively as an ice cream vendor as that term is defined in Section 17-99 of the city code.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.
E. Public Hearings

3. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article IV., Summary of Uses By District; Section 45-402, Summary of Uses By District; By Amending Permitted Uses "J" Retail Services

ACTIONS: A REQUEST TO ADOPT AN ORDINANCE AMENDING AND REORDAINING CITY CODE CHAPTER 45, ZONING ORDINANCE; ARTICLE IV., SUMMARY OF USES BY DISTRICT; SECTION 45-402, SUMMARY OF USES BY DISTRICT; BY AMENDING PERMITTED USES "J" RETAIL SERVICES.

BACKGROUND:

- The purpose of this amendment is to establish the zoning districts in which food truck vendors will be allowed.

- On April 3, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the amendment.

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

- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

ATTACHMENTS:

Description
Memo to HCC re Ordinance Amending Chpt 45, Sec 45-402 4.17.19
Staff Report and CPC Minutes
rag1660 Amending Sec. 45-402 (Food truck vendors on private property)
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

April 17, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Chapter 45 Zoning Text No. ZT-2019-0002 Ordinance Amendment

The request is to amend Chapter 45, Zoning Ordinance; Article IV., Summary of Uses by District; Section 45-402, Summary of uses by district, to stipulate in which districts food truck vendors will be allowed to operate on private property.

With the rise in popularity of food truck vendors, the City proposes to allow the use on private property within certain zoning districts. Balancing where they would be allowed, without creating issues for current on-site uses, is an important consideration.

On April 3, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the zoning text amendment.

I recommend approval.

Cynthia D. Rohlf

CDR:fdc

Attachment

cc: Sheila W. McAllister, Director, Department of Planning
BACKGROUND

The request is to amend Article IV., Summary of Uses by District, Section 45-402, to stipulate in which districts food truck vendors will be allowed to operate on private property.

The city currently allows food truck vendors to operate in specific areas within the city rights-of-way or on private property associated with a special event. In both of these instances, specific criteria are required to ensure that the operation will not create nuisances.

With the rise in popularity of food truck vendors, the city proposes to allow the use on private property within certain zoning districts. Balancing where they would be allowed without creating issues for current on-site uses is an important consideration. The purpose of this amendment is to establish in which districts the use will be allowed. The use will be allowed in non-exclusive residential districts where the impacts of the congregation of people and noise would be minimized.

The amendment recommends that food truck vendors are permitted to operate by-right in the following districts: R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office, Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial.

On February 20, 2019, the Regulations Committee reviewed and recommends approval of the above referenced amendment.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0002.

CPC RECOMMENDATION

On April 3, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0002.
APPENDIX

A-1  ARTICLE IV. SUMMARY OF USES BY DISTRICT, SECTION 45-402

A-2  EXcerpts FROM THE CITY PLANNING COMMISSION MINUTES OF APRIL 3, 2019
ORDINANCE NO. ______________

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

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

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, identified as ZT-20019-0003, to Section 45-402, Summary of Uses by District, which would add use “J.54 Food Truck Vendors on Private Property” to allow such use in the R9 Mixed Use; P1 Park; O1 Office; O2 Office Park; O3 Office, Research and Development; C1 Retail Commercial; C2 General Commercial; C3 Regional Business; C4 Oyster Point Business; C5 Oyster Point Business/Manufacturing; M1 Light Industrial; and M2 Heavy Industrial districts by right; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to amend Section 45-402, by adding use “J.54 Food Truck Vendors on Private Property” to allow such use in the R9 Mixed Use; P1 Park; O1 Office; O2 Office Park; O3 Office, Research and Development; C1 Retail Commercial; C2 General Commercial; C3 Regional Business; C4 Oyster Point Business; C5 Oyster Point Business/Manufacturing; M1 Light Industrial; and M2 Heavy Industrial districts by right.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended and reordained by adding use “J.54 Food Truck Vendors on Private Property” to allow such use in the R9 Mixed Use; P1 Park; O1 Office; O2 Office Park; O3 Office, Research and Development; C1 Retail Commercial; C2 General Commercial; C3 Regional Business; C4 Oyster Point Business; C5 Oyster Point Business/Manufacturing; M1 Light Industrial; and M2 Heavy Industrial districts by right.

2. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.
EXCERPTS FROM PLANNING COMMISSION MINUTES

April 3, 2019

**ZT-2019-0002, City of Newport News** Requests an amendment to the zoning ordinance to add food truck vendor to the use matrix, Section 45-402.

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

Mr. Simmons opened and closed the public hearing.

Mr. Carpenter asked when food trucks will be added to the Summary of Uses Matrix. Ms. Chioros stated they will be added after City Council adopts the amendment.

Mr. Mulvaney made a motion to recommend adoption of zoning text amendment ZT-2019-0002 to City Council. The motion was seconded by Mr. Groce.

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

The Planning Commission voted unanimously (9:0) to recommend adoption of zoning text amendment ZT-2019-0002 to City Council.
ORDINANCE NO. ________________

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

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

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, identified as ZT-20019-0003, to Section 45-402, Summary of Uses by District, which would add use “J.54 Food Truck Vendors on Private Property” to allow such use in the R9 Mixed Use; P1 Park; O1 Office; O2 Office Park; O3 Office, Research and Development; C1 Retail Commercial; C2 General Commercial; C3 Regional Business; C4 Oyster Point Business; C5 Oyster Point Business/Manufacturing; M1 Light Industrial; and M2 Heavy Industrial districts by right; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to amend Section 45-402, by adding use “J.54 Food Truck Vendors on Private Property” to allow such use in the R9 Mixed Use; P1 Park; O1 Office; O2 Office Park; O3 Office, Research and Development; C1 Retail Commercial; C2 General Commercial; C3 Regional Business; C4 Oyster Point Business; C5 Oyster Point Business/Manufacturing; M1 Light Industrial; and M2 Heavy Industrial districts by right.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended and reordained by adding use “J.54 Food Truck Vendors on Private Property” to allow such use in the R9 Mixed Use; P1 Park; O1 Office; O2 Office Park; O3 Office, Research and Development; C1 Retail Commercial; C2 General Commercial; C3 Regional Business; C4 Oyster Point Business; C5 Oyster Point Business/Manufacturing; M1 Light Industrial; and M2 Heavy Industrial districts by right.

2. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.
E. Public Hearings

4. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article V., General Regulations; By Adding Section 45-537, Food Truck Vendors on Private Property

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AMENDING AND REORDAINING CITY CODE CHAPTER 45, ZONING ORDINANCE; ARTICLE V., GENERAL REGULATIONS; BY ADDING SECTION 45-537, FOOD TRUCK VENDORS ON PRIVATE PROPERTY.

**BACKGROUND:**
- This amendment provides regulations to ensure that the operation of food truck vendors on private property will be allowed, while mitigating possible negative impacts to the on-site uses and the surrounding area.
- On April 3, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the amendment.

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

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
- Memo to HCC re Ordinance Amending Chpt 45, Sec 45-537 4.17.19
- Staff Report and CPC Minutes
- sdm16714 Adding Sec. 45-537, Food truck vendors on private property
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

April 17, 2019

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Chapter 45 Zoning Text No. ZT-2019-0003 Ordinance Amendment

The request is to amend Chapter 45, Zoning Ordinance; Article V., General Regulations; Section 45-537, Reserved, to add regulations for food truck vendors on private property to the zoning ordinance.

The amendment establishes criteria for a citywide food vendor permit to allow for vending on private property. The prerequisites for this permit would also address health and safety issues. This amendment provides regulations to ensure that the operation of food truck vendors on private property will be allowed, while mitigating any negative impacts to the on-site uses and the surrounding area.

On April 3, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the zoning text amendment.

I recommend approval.

Cynthia D. Rohlf

CDR:fdc
Attachment

cc: Sheila W. McAllister, Director, Department of Planning
BACKGROUND

The request is to amend Article V., General Regulations, to add regulations for food truck vendors on private property to the zoning ordinance.

Currently the city does not allow food truck vendors to operate on private property when not in connection with a special event. Previously the operation of food truck vendors has been viewed as having the potential to create problems with traffic, noise, trash, hours of operation and generally posing issues for other on-site uses. As the popularity of food truck vendors has occurred, the city has been challenged to create a balance to allow them on private property without adversely impacting the surrounding uses in the area.

This amendment provides regulations to ensure that the operation of food truck vendors on private property will be allowed while mitigating any negative impacts to the on-site uses and the surrounding area. The amendment establishes criteria for a citywide food vendor permit to allow for vending on private property. The prerequisites for this permit would address health and safety issues by requiring valid health permits from the Virginia Department of Health and inspection reports by the Fire Marshall.

The requirements seek to protect private property owners and businesses by requiring that the food truck vendor have written permission of the property owner in order to locate on the property. Food vendors can only locate on properties that have viable on-site businesses and must cease operation when the on-site business closes for the night. The regulations require appropriate disposal of trash and debris from the food truck operation, and address noise, lighting and parking. This will help in minimizing any perceived negative effects associated with food vendors.

The food truck vendor must meet all licensing requirements through the Virginia departments of health and motor vehicles as well city business license from the Commissioner of the Revenue.

On February 20, 2019, the Regulations Committee reviewed and recommends approval of the above referenced amendment.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0003.

CPC RECOMMENDATION

On April 3, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0003.
A-1  ARTICLE V. GENERAL REGULATIONS, SECTION 45-537, FOOD TRUCK VENDORS ON PRIVATE PROPERTY.

A-2  EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF APRIL 3, 2019
ORDINANCE NO. ____________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-537, FOOD TRUCK VENDORS.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Section 45-537, Food Truck Vendors, as follows:

CHAPTER 45

ZONING ORDINANCE

ARTICLE V. GENERAL REGULATIONS

Sec. 45-537. Food truck vendors on private property.

The purpose of this section is to provide regulations for food truck vendors on private property, when not in conjunction with a special event as permitted by the city.

(a) All food truck vendors shall obtain a food truck vendor permit from the department of codes compliance. A food truck vendor permit application shall include the following:

(1) Name, home and business addresses and phone number of the applicant.

(2) A description of the type of food and beverage to be sold.

(3) A valid health permit from the Virginia Department of Health.

(4) A valid fire inspection report from the Fire Marshall.

(5) An annual permit fee of one hundred fifty dollars ($150.00) shall be paid. The permit may not be leased, sold or otherwise transferred.

(b) Food truck vendors shall obtain written permission from the owner of the property
on which they operate and shall keep a copy of such written permission on hand in the food truck.

(c) Food truck vendors shall post a copy of a valid health permit from the Virginia Department of Health stating that the mobile food operation meets all applicable standards. Such license shall be posted in the vehicle at all times when in operation in the city.

(d) Food truck vendors shall have a current City of Newport News business license and decal issued by the commissioner of the revenue. The business license must be available at all times for inspection and the decal shall be affixed and displayed on the left-hand side of the vehicle, on the outside, so that it may be readily seen at all times by anyone authorized to inspect.

(e) Food truck vendors shall be properly licensed and tagged, as required by the Virginia Department of Motor Vehicles, and they shall have appropriate general liability insurance coverage.

(f) Food truck vendors shall leave the site when the on-premises establishment closes for the day. Prior to leaving, the vendor must pick up, remove and dispose of all trash or refuse attributable to the vending.

(g) Food truck vendors shall not vend on unimproved (with no structure) or vacant properties.

(h) Food truck vendors shall not vend on properties operated solely as parking lots.

(i) Food truck vendors shall not be deemed ancillary to a principle use.

(j) Food truck vendors may only park in a designated parking area on a paved surface. Food truck vendors shall not park in or block drive aisles, sidewalks, access to loading/unloading areas or emergency access and fire lanes.

(k) No by-product of food truck vending operations, including but not limited to trash, grease, grey water, or excess food, shall be disposed of in or on any City of Newport News property, including, but not limited to, trash cans, curbs, gutters, manholes, storm drains or sewer grates. Food truck vendors shall properly dispose of fats, oils and grease (FOG) as required in Chapter 33, Sewers and Sewage Disposal, Article IV, Sewer Use Standards, Division 2, Fats, Oils and Grease (FOG).

(l) The volume of any background music played from the food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located or at a distance of 100 feet from the food truck, whichever is less.

(m) Any lighting used to illuminate the vehicle or customer area shall be dark skies compliant and shall not produce light spill onto adjacent property or public rights-of-way.
EXCERPTS FROM PLANNING COMMISSION MINUTES

April 3, 2019

**ZT-2019-0003, City of Newport News** Requests an amendment to the zoning ordinance to add general regulations for food truck vendors on private property, Section 45-537.

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

Mr. Simmons opened and closed the public hearing.

Mr. Mulvaney thanked Planning staff for their work on the amendment. Mr. Simmons agreed. Ms. Fox stated she has talked to a number of people who have been involved with food truck operators and they have been very complimentary about the efforts the city has made and the new regulations presented today.

Ms. Fox made a motion to recommend adoption of zoning text amendment ZT-2019-0003 to City Council. The motion was seconded by Mr. Groce.

**Vote on Roll Call**

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

The Planning Commission voted unanimously (9:0) to recommend adoption of zoning text amendment ZT-2019-0003 to City Council.
ORDINANCE NO. _______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-537, FOOD TRUCK VENDORS.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Section 45-537, Food Truck Vendors, as follows:

CHAPTER 45

ZONING ORDINANCE

ARTICLE V. GENERAL REGULATIONS

Sec. 45-537. Food truck vendors on private property.

The purpose of this section is to provide regulations for food truck vendors on private property, when not in conjunction with a special event as permitted by the city.

(a) All food truck vendors shall obtain a food truck vendor permit from the department of codes compliance. A food truck vendor permit application shall include the following:

(1) Name, home and business addresses and phone number of the applicant.
(2) A description of the type of food and beverage to be sold.
(3) A valid health permit from the Virginia Department of Health.
(4) A valid fire inspection report from the Fire Marshall.
(5) An annual permit fee of one hundred fifty dollars ($150.00) shall be paid. The permit may not be leased, sold or otherwise transferred.

(b) Food truck vendors shall obtain written permission from the owner of the property
on which they operate and shall keep a copy of such written permission on hand in the food truck.

(c) Food truck vendors shall post a copy of a valid health permit from the Virginia Department of Health stating that the mobile food operation meets all applicable standards. Such license shall be posted in the vehicle at all times when in operation in the city.

(d) Food truck vendors shall have a current City of Newport News business license and decal issued by the commissioner of the revenue. The business license must be available at all times for inspection and the decal shall be affixed and displayed on the left-hand side of the vehicle, on the outside, so that it may be readily seen at all times by anyone authorized to inspect.

(e) Food truck vendors shall be properly licensed and tagged, as required by the Virginia Department of Motor Vehicles, and they shall have appropriate general liability insurance coverage.

(f) Food truck vendors shall leave the site when the on-premises establishment closes for the day. Prior to leaving, the vendor must pick up, remove and dispose of all trash or refuse attributable to the vending.

(g) Food truck vendors shall not vend on unimproved (with no structure) or vacant properties.

(h) Food truck vendors shall not vend on properties operated solely as parking lots.

(i) Food truck vendors shall not be deemed ancillary to a principle use.

(j) Food truck vendors may only park in a designated parking area on a paved surface. Food truck vendors shall not park in or block drive aisles, sidewalks, access to loading/unloading areas or emergency access and fire lanes.

(k) No by-product of food truck vending operations, including but not limited to trash, grease, grey water, or excess food, shall be disposed of in or on any City of Newport News property, including, but not limited to, trash cans, curbs, gutters, manholes, storm drains or sewer grates. Food truck vendors shall properly dispose of fats, oils and grease (FOG) as required in Chapter 33, Sewers and Sewage Disposal, Article IV, Sewer Use Standards, Division 2, Fats, Oils and Grease (FOG).

(l) The volume of any background music played from the food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located or at a distance of 100 feet from the food truck, whichever is less.

(m) Any lighting used to illuminate the vehicle or customer area shall be dark skies compliant and shall not produce light spill onto adjacent property or public rights-of-way.
E. Public Hearings

5. Resolution Authorizing and Directing the City Manager to Execute a Tower Attachment Lease By and Between the City of Newport News, Virginia, and Creative Educational Media Corporation, Incorporated

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A TOWER ATTACHMENT LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CREATIVE EDUCATIONAL MEDIA CORPORATION, INCORPORATED, FOR SPACE ON THE GROUND AIR TRANSMITTER (GAT) SITE AND SPACE ON THE GROUND FOR TELECOMMUNICATIONS EQUIPMENT, LOCATED AT 100 TOWER LANE, YORKTOWN, VIRGINIA.

**BACKGROUND:**
- City Council action is requested to approve the execution of a Tower Attachment Lease between the City as Lessor, and Creative Educational Media Corp, Inc. (Oasis) as Lessee, at the GAT Site located at 100 Tower Lane, Yorktown, Virginia.

- Oasis has recently requested to remain as a tenant on the GAT Site Tower for its communications equipment.

**FISCAL IMPACT:**
- The new term is for five (5) years, with an annual rental rate starting at $23,759.58.

- Rent will be increased annually by an amount equal to two and one-half percent (2.5%) of the rent for the prior lease year.

- The City Manager recommends approval.

**ATTACHMENTS:**
- Memo to HCC re Creative Media Tower Lease 4.17.19
- sdm16821 Authorizing re Creative Educational Media Corp Lease
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

April 17, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Creative Educational Media Corp, Inc. Tower Attachment Lease

In 2013, Council approved the execution of a Tower Attachment Lease between the City as Lessor, and Creative Educational Media Corp, Inc. (Oasis) as Lessee, at the GAT Site located at 100 Tower Lane, Yorktown, Virginia. Oasis has recently requested to remain as a tenant on the GAT Site Tower for its communications equipment.

The proposed new lease terms, specific equipment requirements, and pricing have been negotiated in coordination with the Department of Development and the City's consultant for cell tower issues. The new term is for five (5) years commencing on May 1, 2019, with an annual rental rate starting at $23,759.58. Rent will be increased annually by an amount equal to two and one-half percent (2.5%) of the rent for the prior lease year.

The negotiated terms are reflective of current market rates and consistent with existing tower lease transactions for communications equipment.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR: tcf

cc: Florence G. Kingston, Director, Department of Development
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 TOWER ATTACHMENT LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND CREATIVE EDUCATIONAL MEDIA CORPORATION, INC. DATED THE 23RD DAY OF APRIL, 2019.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Tower Attachment Lease by and between the City of Newport News, Virginia, and Creative Educational Media Corporation, Inc. dated the 23rd day of April, 2019.

2. That a copy of the said Tower Attachment Lease is attached hereto and made a part hereof.

3. That this resolution shall be in effect on and after the date of its adoption, April 23, 2019.
TOWER ATTACHMENT LEASE

THIS TOWER ATTACHMENT LEASE, hereinafter referred to as the "Lease", made this 23rd day of April, 2019, between the CITY OF NEWPORT NEWS, VIRGINIA a Municipal Corporation in the Commonwealth of Virginia, hereinafter being referred to as the "Lessor", and CREATIVE EDUCATIONAL MEDIA CORPORATION, INC., an Oklahoma non-stock corporation, hereinafter being referred to as the "Lessee".

WITNESSETH THAT:

For and in consideration of the mutual obligations and conditions set forth below, the parties hereto do hereby covenant and agree with each other as follows:

1. Demise: The Lessor hereby rents to the Lessee and the Lessee hereby rents from the Lessor tower space on that certain four hundred ninety nine foot (499') communications tower owned by the Lessor and space on the ground as described below, both located at or near 100 Tower Lane, Yorktown, Virginia (GAT Site) together with the access easement described below (which tower and ground space and access easement shall hereinafter be referred to as the "Premises"), said Premises being described as follows:

   Space on the GAT Site communications tower owned by the Lessor, as described above, together with a non-exclusive easement twelve (12) feet in width, for pedestrian and vehicular access, ingress and egress, said easement running to and from the tower.

   For a more particular description of the equipment to be installed and the equipment locations, see the attached "Exhibit A" which is hereby incorporated into this Lease by reference.

2. Term: The term of this Lease (the "Term") shall be for a period of five (5) years, commencing on May 1, 2019, and ending on April 30, 2024. Lessee may terminate this Lease for any reason by providing 180 days’ written notice to Lessor.

3. Purpose: The sole and specific purpose for which the Premises are demised is for the use by the Lessee to install communications antennas, dishes, supporting structures, generators, cables, feed lines, wires, pipes, appurtenances, and electronic equipment as described herein (collectively hereinafter referred to as "equipment") on the Premises to enable the Lessee to operate a Communications facility and uses incidental thereto (specifically described in Exhibit A). In no event shall the use of the Premises by the Lessee be such as to create conditions, which constitute a nuisance or are harmful or cause interference to the normal and customary operations of the Lessor, its existing tenants, or neighboring landowners. THE LESSEE SHALL NOT MAKE ANY ADDITIONS OR CHANGES TO ITS BUILDING, EQUIPMENT, OR OTHER INSTALLATIONS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE LESSOR. The Lessee recognizes that the primary purpose for the Lessor's construction of the communications tower on the Premises is for the operation of the Lessor's governmental
communications equipment, and the Lessee covenants and agrees that its installation and operation shall in no way interfere with or impede the operation, maintenance, enhancement, or relocation of the Lessor's equipment on the tower or its operations. The Lessee agrees that this covenant is a material provision of this Lease.

4. Rent: The Lessee shall pay to the Lessor as rent for the Premises described above the sum of $23,759.58 for the first lease year. Rent shall be increased annually effective as of May 1 each year by an amount equal to two and one half percent (2.5%) of the rent for the prior Lease year. Rent shall be paid in advance on or before May 1 of each year. All rent payments shall be made payable to the "City of Newport News, Virginia", and sent to: Director, Department of Development, 2400 Washington Avenue, City Hall, Newport News, VA 23607. Late Payment Charge: The Lessee shall pay to the Lessor a late payment charge of ten percent (10%) of each late rent payment, for failure of the Lessee to pay the annual rent installment to the Lessor on or before the close of the Lessor's business on the tenth (10th) day of each Lease year, or by the Lessor's next business day in the event the tenth (10th) day of the Lease year is a weekend or holiday for the Lessor.

5. Permits and Approvals: The Lessee is required, as a condition of the Lease, to secure the federal, state, and local permits, licenses, easements and approvals necessary for the Lessee to perform its operations as specifically stated herein, to construct a building, and to install its equipment upon the Premises. The permits, licenses, easements, and approvals include, but are not limited to, all special use permits, Federal Aviation Administration (FAA) approval, Virginia State Corporation Commission (including good standing requirements), Federal Communications Commission (FCC) construction permits, local building permits, and any applicable rezoning or variances required. The Lessor agrees to cooperate with and support the Lessee, to the best of the Lessor's ability, but without monetary cost to the Lessor, in obtaining all telephone and power easements necessary for the Lessee to conduct the Lessee's services as described in paragraph 3 above. In the event the Lessee has not received the necessary permits, licenses, and approvals within one hundred eighty (180) days of the commencement of the Lease, either the Lessor or the Lessee may, at any time thereafter, terminate this Lease by written notice to the other party; however, the Lessee shall be liable for the rent for the initial year of this Lease. Neither party shall then have any other obligations under this Lease.

6. Buildings, Structures, and Improvements: The Lessee may, at its own cost and expense, erect upon the Premises only those buildings and structures necessary for the Lessee to conduct its proposed operations thereon, as described in paragraph 3 above, after first obtaining written approval of the Lessor. The Lessee may install a diesel, propane, or natural gas emergency generator on a pad or elevated structure on the Premises if first approved by the Lessor in writing. The generator and equipment building shall be inside the site fence surrounding the Lessor's complex, at locations first agreed to by the Lessor. Upon written approval by the Lessor, the Lessee may modify the existing fence line at its own expense if necessary to accommodate the building within the site fence. The Lessee's antenna, connecting cables, and similar equipment shall be grounded and installed on the tower in accordance with good and accepted engineering practices. All equipment shall be installed at the pre-approved fixed locations on the Premises, as set forth in paragraph 1 herein, and the location of the installation of equipment shall not be altered without the prior written approval of the Lessor. The location of the Lessee's equipment shall be subject to change at the sole and absolute discretion of the Lessor. In the event of a
required change, the Lessor will provide written notice to the Lessee, and the Lessee will have thirty (30) days from the mailing of such notice to relocate or remove its equipment. All of the Lessee's equipment and buildings shall conform to the technical and quality specifications of the Lessor. The Ground Ring installed by the Lessee shall be interconnected to the existing Site Ground Ring by an exothermic weld.

7. Utilities: The Lessee shall be solely responsible for and promptly pay all charges for electricity, telephone, and any other utilities used or consumed by the Lessee on the Premises. The Lessee will install at its expense a separate meter for electric power to its property, including but not limited to, its building and equipment.

8. Access: The Lessor agrees that during the Term of this Lease, the Lessee shall have reasonable ingress and egress on a 24-hour basis to the Premises for the purposes of testing, structural analysis, maintenance, installation, repair and removal of its equipment. Prior to performing testing, analysis, maintenance, installation, repairs, or removal of its equipment, which involve climbing the tower, the Lessee shall give at least twenty-four (24) hours' notice to the Lessor so that a representative of the Lessor may be present. If immediate access is required to perform emergency repairs, at least one hour's notice will be given to the Lessor. The Lessee will be provided a key for the gate for these access purposes. If the Lessee compromises the locked security system protecting the Premises, it will, at its expense, provide comparable locks, keys, and other security devices for the Premises to the Lessor and other lessees.

9. Frequencies, Interference, and Termination by the Lessor: The Lessee will give the Lessor a list of all frequencies used by the Lessee in its communications center on the Premises. The Lessee will take at its sole expense all steps necessary and in agreement with the Lessor to prevent or eliminate any interference or spurious radiation from its equipment which affects the Lessor's or any other lessee's equipment located on the Lessor's tower. The Lessee will at its expense have an Intermod Study performed before installation of its equipment by a qualified, licensed, professional electrical engineer, and a written report shall be provided to the Lessor. An Intermod Study performed at the Lessee's expense may be required, at the Lessor's option, prior to any later modifications or additions to existing equipment. In the event any such interference or spurious radiation emanating from the Lessee's equipment is observed or detected by the Lessor, the Lessor may give the Lessee written notice of such interference or spurious radiation and request that corrective action be taken by the Lessee. The Lessee shall not have more than five (5) days from the date of such notice, as the Lessor deems necessary, to eliminate the interference or spurious radiation, or reduce it to levels acceptable to the Lessor. Due to the critical nature of public safety applications, severe interference problems may require immediate action when notification that a severe situation exists. If any interference or spurious radiation, whether severe or non-severe, is not properly eliminated or reduced to acceptable levels, in the sole determination of the Lessor, the Lessor shall have the right to terminate this Lease due to the Lessee's default or breach by giving written notice to the Lessee, require the Lessee to cease its operations at the tower site, to remove its equipment and other property, and eject the Lessee from the Premises. If the termination under this paragraph occurs other than at the end of a lease year, the Lessor will refund to the Lessee a pro-rata portion of that year's unearned rent that was paid in advance, less one-sixth of one year's rent for administrative processing and overhead. However, if the interference or spurious radiation results from the modification or addition to existing equipment, the Lessee shall not be entitled to any refund of unearned rent that was paid
in advance, and shall remain subject to all applicable provisions of the Lease concerning default or breach.

10. Electromagnetic Exposure: Prior to the initial installation of the Lessee's equipment, the Lessee will give the Lessor a list of each of the Lessee's transmitter power output levels and of the overall ERP (effective radiated power) of the Lessee's systems to be used on the Premises. At the Lessor's sole option, the Lessee will at its expense have an electromagnetic exposure study performed before installation of equipment and radio frequency (RF) emissions begin on the Premises. If, during the Term of this Lease, any equipment is proposed to be added or modified by the Lessee (including changes in power and frequency), then at the Lessor's sole option, the Lessee will at its expense have an electromagnetic exposure study performed before such additions or modifications are made and before radio frequency (RF) emissions begin on the Premises. In the event an electromagnetic exposure study recommends any action to modify the Premises, or should personnel training be required, the Lessee shall at its sole expense make such modifications, as approved in writing by the Lessor, in order to maintain compliance with the FCC's Office of Engineering and Technology (OET) Bulletin 65. Should personnel training be required to maintain compliance with the FCC OET Bulletin 65, the Lessee shall at its sole expense provide such a plan, as approved in writing by the Lessor, and carry out the training for the Lessor's employees, any current employees of the Lessee, and any contractors used by the Lessor for the maintenance of the Premises. Should, in the sole opinion of the Lessor, the results of the electromagnetic exposure study show that the Lessee's RF emissions along with the existing emissions from the site cause undue restrictions on the Lessor or its prior lessees, the Lessor shall have the right to require the Lessee to decrease its RF emissions to acceptable levels or may terminate this Lease.

11. Maintenance: The Lessor shall maintain the tower and the driveway in good, operational order and condition. All buildings, structures, and equipment erected on the Premises by the Lessee shall be continuously repaired and maintained by the Lessee, and removed at the Lessee's expense upon termination of this Lease. The Lessee shall maintain the Premises in a neat and orderly manner so as not to detract from the appearance of the property. Determinations concerning neat and orderly appearance shall be at the Lessor's sole discretion. The Lessee shall be responsible for repairs and maintenance to its own building and equipment. Only a tower service company first approved by the Lessor shall perform installation, removal, maintenance and repair work performed on the Lessee's equipment located on the tower. The Lessee will provide proof of insurance for the tower service company in an amount and form deemed adequate by the Lessor to the Lessor before approval is granted.

12. Taxes: During the Term of this Lease, the Lessee shall pay and discharge any taxes, assessments, duties, or impositions assessed, charged, or imposed upon the Lessee's leasehold interest in the Premises and all improvements and equipment installed or constructed by the Lessee thereon. The Lessee shall not be required to pay any portion of any taxes, assessments, duties or impositions resulting from the value of the land adjacent to the Premises, or from the value of new buildings or improvements constructed on the Premises or on adjacent lands by the Lessor or by any other party which are not owned by the Lessee.

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

14. Surrender of Premises: At the expiration or termination of this Lease, the Lessee will surrender the Premises to the Lessor, and remove from the Premises all of the equipment erected or installed by the Lessee on the Premises during the Term of this Lease, unless otherwise agreed in writing. At the Lessor's option, the Ground Ring, any fence modifications, buildings, sheds, pads, or platforms constructed or installed by the Lessee may remain affixed to the Lessor's property as permanent fixtures, and thereafter remain the property of the Lessor unless otherwise agreed in writing. Except as set forth herein, the Lessee shall restore the Premises to its original condition, except for any trees or vegetation removed during construction and use, and except for normal wear and tear.

15. Quiet Possession: The Lessor hereby covenants that it has a fee simple interest in the tower, the Premises and the easement, as described above, and that the Lessee shall have quiet and peaceful possession of the Premises and the easement.

16. Representatives Bound: The covenants, stipulations and conditions herein contained shall inure to the benefit of and shall be binding upon the successors and assigns of the Lessor and the successors and assigns of the Lessee.

17. Cooperation: Both the Lessor and the Lessee agree to provide any further documentation and cooperate in any way necessary to carry out the basic intent of this Lease.

18. Notice: Any notice that either party hereto desires to give to the other shall be in writing and shall be deemed given if personally delivered or sent via overnight courier providing proof of service, or upon placing such notice in certified mail, return receipt requested, with postage fully prepaid, addressed as follows:

To the Lessor:
City of Newport News
Director, Department of Development
2400 Washington Avenue
Newport News, VA 23607

With a Copy to:
City Attorney
City of Newport News
2400 Washington Avenue, 9th Floor
Newport News, VA 23607

To the Lessee:
Creative Educational Media Corporation, Inc.
11717 S. 129th E Ave
Broken Arrow, OK 74011
With a Copy to:
G. David Ingles
4900 W Utica Ave.
Broken Arrow, OK 74011

Either party may change the notice address set forth above, by giving written notice of the change as provided above.

19. Improper Use, Nuisance: The Lessee, during the Term of this Lease, agrees not to use or keep or allow the Premises, or any portion thereof, to be used or occupied for any unlawful or immoral purposes or in violation of any certificate of occupancy or certificate of compliance covering or affecting the use of the Premises, or any portion thereof, and will not suffer any act to be done or any condition to exist on the Premises or any portion thereof, or any article to be brought thereon, which may be dangerous, unless safeguarded as required by law, or which may, in law, constitute a nuisance, public or private, or which may make void or voidable any insurance then in force on the Premises.

20. Lessee's Obligation to Insure: Upon the commencement of this Lease, and during the entire Term thereof, the Lessee, at its sole cost and expense, and for the mutual benefit of the Lessor, shall procure and maintain from a company legally qualified to do business in Virginia, with an A.M. Best rating of A or better, comprehensive general liability insurance, including property damage, insuring the Lessor and the Lessee against liability for injury to persons or property occurring on or about the Premises or arising out of the ownership, maintenance, use, or occupancy thereof. The liability limits under such insurance shall be not less than Five Million Dollars ($5,000,000.00) per occurrence, aggregate limit per location to apply. All policies of insurance shall include the Lessor as an additional insured. The Lessee shall have the privilege of procuring and obtaining all of such insurance through its own sources and shall provide proof of such coverage to the Lessor upon the commencement of this Lease. Upon the commencement of the Lease, and during the entire Term thereof, the Lessee shall also procure and maintain the proper amounts of worker's compensation insurance, which shall provide for the payment of compensation in accordance with the laws of the Commonwealth of Virginia for all employees of the Lessee and its contractors and subcontractors, and further insuring the Lessor against any and all liability for personal injury or death of such workers and employees by adding the Lessor as an alternate employer thereon. The Lessee shall provide the Lessor with proof of such coverage upon the commencement of this Lease. Evidence of policies of insurance affording the above coverage shall be subject to the review and approval by the Newport News City Attorney upon the commencement of this Lease. Renewals of such insurance during the Term of this Lease shall also be subject to review and approval by the City Attorney. The Lessee may not occupy the Premises, and may not perform any work thereon, until all of the above requirements are met.

21. Indemnification: The Lessee agrees to defend, indemnify, and save harmless the Lessor, and the Lessor's officials, employees, and agents from and against any and all claims, demands, suits, actions, recoveries, judgments, and costs and expenses in conjunction therewith made, including legal costs and costs of defense, of any nature whatsoever, brought or obtained on account of the loss of life or property; or injury or damages to the person or property of any such
person or persons whomsoever, whether such person or persons be the Lessor, the Lessor's officials, agents, employees, or any contractors or subcontractors employed by the Lessee, their agents or employees, or any third person in no way connected to the parties hereto, which loss of life or property, or injury or damage to persons or property, shall be due to, or arise out of, result from, or be in any way connected with the Lessee's construction or maintenance on or use of the Premises under this Lease. Notwithstanding any other provisions of this Lease to the contrary, the indemnification obligations of this paragraph shall survive the termination or expiration hereof. Lessee shall not be required to indemnify Lessor for a claim to the extent it results from the sole negligence, gross negligence, intentional misconduct or fraud of Lessor.

22. Assignment and Sublease: At the Lessor's sole option, the Lessee may assign or sublease the Lessee's interest in this Lease. The Lessor's authorization and consent to such assignment or sublease, and the terms and conditions thereof, may be provided on such forms required by the Lessor. Such forms authorizing and consenting to the assignment or sublease may be approved and executed by the City Manager. If such assignment or sublease is approved, the Lessee shall remain liable with the assignee and sub-lessee for payment of rent, and the Lessee shall continue to be subject to all terms and conditions of this Lease. The assignee or sub-lessee must agree to all terms and conditions of this Lease and forever waive their and their successor's rights, to object to the terms and conditions of this Lease. The Lessor reserves the right to require, in lieu of an assignment or sublease, the execution by the assignee or sub-lessee of a new lease, which may reflect the provisions contained in the Lessor's current Tower Attachment Lease.

23. Fees: The Lessee and the Lessor agree that no one is entitled to a real estate fee or commission in bringing about this Lease transaction. If any party claims a fee, the Lessee shall be responsible for it. The Lessee shall pay the recording costs, and any cost of surveys or plats as necessary to record this Lease.

24. Entry and Tests: Subject to the requirements of paragraph 8, Access, the Lessor hereby grants permission for the Lessee or its contractors to enter upon the Premises prior to installation of its equipment hereunder in order to perform surveying and soils and radio coverage testing. It is understood that some disturbance of the property may result from said surveying and testing. Such disturbance shall be kept to a minimum and the Lessee shall insure that the Premises are returned to its previous good condition.

25. Condemnation of Tower: If the tower or the Premises are taken in whole or in part by an entity having the power of eminent domain, and if such taking impairs in any way the ability of the Lessee to conduct its communications activities on the Premises, then either the Lessor or the Lessee shall have the option of terminating this Lease. The Lessee shall be entitled to no part of any eminent domain award, but shall be entitled only to any moving or relocation expenses incurred, and allocated to it by the condemning entity.

26. Tower Structural Analysis: Prior to any installation on the tower, the Lessee will give the Lessor a list of each antenna and transmission line that is to be installed on the tower. The Lessor in its sole discretion may require a structural analysis by a licensed professional engineer, in order to ensure the tower remains in compliance with the TIA/EIA-222-F tower standard at 100 MPH with one half inch (1/2''), 12.7 mm) of radial ice assumed. If the Lessor requires an analysis, a certified copy of the analysis shall be provided to the Lessor, and all coordination for
the analysis and the expenses for the analysis and the certified report shall be the responsibility of the Lessee. Notwithstanding the foregoing, in the event the Lessor or the Lessee determine, after reviewing a tower analysis, that the Lessor's tower is not structurally appropriate for the Lessee's needs, either the Lessor or the Lessee may terminate this Lease, or the Lessee may pay the cost of reinforcing or otherwise making the tower structurally sound for its use if it first submits complete plans and drawings for review by the Lessor and if the Lessor agrees to the same. If the Lessor consents to structural modifications, the Lessor may also require an independent inspection of the completed work by a professional engineer, which shall be paid for by the Lessee.

27. Fixtures: Except as provided in paragraph 14, Surrender of Premises, the Lessor agrees that none of the equipment installed or placed on the Premises by the Lessee shall be, become or be considered to be affixed to or part of the Lessor's real or personal property, it being the specific intention of both parties that such shall be and remain the property of the Lessee.

28. Subordination: This Lease shall be subordinate and subject to any prior deed of trust or mortgage affecting the Premises, including renewals, modifications and extensions.

29. Maintenance of Tower, Lighting System: The Lessor assumes no responsibility for the license, operation or maintenance of the Lessee's building and equipment. However, the Lessor covenants and agrees, at its sole cost and expense, to maintain and repair the tower, including its lighting system and markings. This maintenance must comply with all federal, state and local laws, ordinances, rules and regulations, and must be consistent with standard industry practices. Such duties of the Lessor include, without limitation, maintaining appropriate records, and notification to the Federal Aviation Administration of any failure(s), and repairs and correction of it. The Lessor is responsible, at its sole cost and expense, for obtaining all certificates, permits and other approvals relating to the tower lighting system. The Lessor warrants that the lighting system and markings are in compliance with the requirements of all authorities having cognizance or jurisdiction over the tower. In the event any of the Lessor's certificates, permits, licenses or approvals are canceled, expired, lapsed or are withdrawn or terminated and are not renewed or reinstated promptly, the Lessee shall have the right to take appropriate action to remedy any noncompliance for the account of and at the expense of the Lessor, or to terminate this Lease without penalty.

30. Lighting Failure: The Lessor agrees that upon receiving notice from the Lessee of a lighting failure on the tower, the Lessor will promptly notify the Federal Aviation Administration service office of such failure. The Lessor further agrees to immediately begin a diligent effort to repair the failed lighting.

31. Interference by Subsequent Tenants: The Lessor agrees that during the Term of this Lease, the Lessor will not grant a similar lease to any other tenant if such grant would in any way adversely affect or interfere with the Lessee's use of its communications equipment. In the event of any such interference, Lessee shall immediately notify the Lessor verbally and in writing, and the Lessor shall take all steps necessary to correct and eliminate same within a reasonable period of time, which for purposes hereof shall be deemed to be five (5) days. If the Lessor is unable to eliminate the interference within five (5) days, the Lessor shall be obligated to remove or require such subsequent tenant to cease operations, and may require removal of the
subsequent tenant's equipment, from the tower or from the Lessor's property. None of the Lessee's rent shall abate during this five (5) day period. Thereafter, continued substantial interference, which prevents the Lessee from full operational use of its equipment, shall cause the Lessee's rent to be prorated based upon the Lessee's inability to operate.

32. Destruction or Damage to Tower and Abatement of Rent: During any period of time when the tower or the Premises may be damaged, destroyed, or under governmental or other legal order issued against the Lessor or the tower preventing the Lessee from full operational use of its equipment on the Premises, the rent due hereunder shall be prorated based upon the Lessee's inability to operate fully. In the event the tower is totally or partially destroyed, and not repaired or replaced within sixty (60) days, then either the Lessor or the Lessee shall have the option of terminating this Lease.

33. Lessee's Covenants: The Lessee covenants and agrees that its operations will comply with federal law, all applicable rules and regulations, including those of the Federal Communications Commission and all laws, rules, and regulations of the City of Newport News and the Commonwealth of Virginia. The Lessee will not change the frequency, power, or character of its equipment without first obtaining the written consent of the Lessor. The Lessee will not damage the Lessor's tower, property or other structure, or interfere with the maintenance or operation thereof. The Lessee will keep its building, equipment, and surrounding ground space in a state of repair and appearance acceptable to the Lessor. The Lessee will not operate its equipment in any manner which generates interference or spurious radiation which adversely affects the Lessor or other lessees, or the operation of the Lessor's, or other lessee's equipment on the tower or the Premises.

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

35. Governing Law; Courts: This Lease shall be governed, construed, and enforced by and in accordance with the laws of the Commonwealth of Virginia. The parties irrevocably submit themselves to the original jurisdiction, forum, and venue of the state courts located within the City of Newport News, Virginia, with regard to any litigation arising out of, relating to, or in any way concerning this Lease.

36. Amendments: This Lease may be amended or modified only by a writing signed by authorized agents of both the Lessor and the Lessee. Subject to Section 15.2-2105 of the Virginia Code, as amended, the City Manager is authorized to approve and sign amendments to this Lease on behalf of the Lessor.

37. Waiver: No failure or delay on the part of either party to exercise any right or privilege hereunder shall operate as a waiver thereof.

38. Default: The following shall be considered events of default or breach by the Lessee:

(a) The failure to fully pay rent within fifteen (15) days of the commencement of the Lease Term, and within fifteen (15) days of the beginning of each subsequent Lease
year;

(b) The failure of the Lessee to cure, within five (5) days after the Lessor gives written notice of any interference with the Lessor's, or any other lessee's, equipment or operations by the Lessee's equipment or operations;

(c) The failure of the Lessee to cure, within thirty (30) days after the Lessor gives written notice of any breach of any covenant, undertaking, term, or provision of this Lease; or

(d) Abandonment of the Premises by the Lessee. Failure of the Lessee to use the Premises for sixty (60) days shall be considered abandonment.

In the event of any such default or breach, the Lessor shall be entitled, at the Lessor's option, to remove all property and equipment of the Lessee from the Premises, without notice and without being guilty or liable in any manner for trespass, thereby terminating this Lease, or the Lessor, at its option, may elect to treat this Lease in full force and effect, and shall be entitled to collect the rents provided for hereunder. Cumulatively and in addition to the foregoing, the Lessor shall be entitled to enforce all other remedies provided at law or in equity.

39. Damages: Attorneys Fees: If suit shall be brought by the Lessor for recovery of possession of the Premises, for the recovery of any rent or any other amount due under this Lease, or because of the breach of any other covenant by the Lessee, or because of the Lessee's default, and the Lessor prevails in such action or a portion thereof, then the Lessee shall pay to the Lessor all reasonable expenses incurred therefor, including reasonable attorney's fees.

40. Recordation of Lease: Either the Lessor or the Lessee may record this Lease or a Memorandum hereof.

41. Hazardous Waste: The Lessor represents and warrants that to the best of the Lessor's knowledge the Premises have never been used for treatment, storage or disposal of any solid or liquid waste which is classified as toxic or hazardous under any federal, state, or local law or regulation in effect as of the date of this Lease, and the Premises (including subsurface water) have not been contaminated by any such toxic or hazardous material. The Lessee represents and warrants that it shall not introduce or use toxic or hazardous material on the Premises.

42. Entire Agreement: This Lease, including any agreed upon attachments, contains the entire understanding of the parties with respect to the subject matter hereof. There are no restrictions, agreements, promises, warranties, covenants or undertakings other than those expressly set forth herein.
IN WITNESS WHEREOF, the Lessor and the Lessee have caused this Lease to be executed and sealed as of the day and year first above written.

CITY OF NEWPORT NEWS (Lessor)

By: __________________________
    City Manager

Attest: _________________________
    City Clerk

REVIEWED BY:                APPROVED AS TO FORM:

____________________________  __________________________
Deputy City Attorney          City Attorney

Creative Educational Media Corporation, Inc. (Lessee)

By: __________________________
    G. David Ingles

Its: President
Exhibit A

Creative Educational Media Corporation, Inc., a/k/a the Oasis Network ("Lessee") wishes to locate FM radio station WYCS, Yorktown at the GAT site tower owned by the Lessor and located at 100 Tower Lane, Yorktown, VA 23690, legally identified as tax parcel number 23-00-00-014, GPIN N10c-1663-1736, deed reference D. B. 41, page 137.

A) Lessee will install/maintain the following equipment:

440' Ice Shield (Valmont Part # ISMD4 or equivalent) – above Lessee’s antenna

420' COR Proposed (1) Dielectric DCMR-4 .8 wave space (29' long) antenna

400' Ice Shield (Valmont Part # ISMD4 or equivalent) – above Lessor’s antennas

(1) 3" Andrew Air Heliax Feed Line to 405'

150' Proposed (1) PR-950 Kathrein Scala Half-Parabolic receive STL antenna

(1) 7/8" Andrew Foam Feed Line to 150'

(1) Ground mounted 1.8 meter KU band satellite dish near the tenant building, with the location of said dish and any digging to be approved by Lessor.

* "Ice Shield" will be installed at 440' to protect the Lessee’s 4-bay Dielectric antenna. The Ice Shield specifications 48" Wide 62 1/2" Long weight approximately 300 lbs. or less, Valmont part # ISMD4. The ice shield is calculated in the structural study.
B) Lessee will install/maintain a Harris Flexiva 10 kW solid-state FM transmitter in the Lessor's tenant building. The transmitter will operate at 9000 watts producing a station operating power of 13,500 watts. Lessee will locate this transmitter and one equipment rack in the Lessor's tenant building using approximately 4' x 6' of floor space. There is currently ample floor space to accommodate this as well as future expansion of the Lessor's 9-1-1 system. Lessee will have a separate utility meter and power feed installed for the new WYCS transmitter and an equipment rack containing link, processing and control equipment; Lessee will pay their own electric bill.

Transmitter specs:

<table>
<thead>
<tr>
<th>PARAMETER NAME</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ELECTRICAL</strong></td>
<td></td>
</tr>
<tr>
<td>Nominal output</td>
<td>11 kW (FM)</td>
</tr>
<tr>
<td>power range</td>
<td>FM: 2 kW – 12.1kW (CE tested range)</td>
</tr>
<tr>
<td></td>
<td>FM+HD (-14dBc)</td>
</tr>
<tr>
<td></td>
<td>HD (-10 dBc)</td>
</tr>
<tr>
<td>Power consumption</td>
<td>7,480 kW typical</td>
</tr>
<tr>
<td>(11 kW output</td>
<td>9.0 kW max</td>
</tr>
<tr>
<td>in FM mode)</td>
<td>68% typical</td>
</tr>
<tr>
<td>AC power factor</td>
<td>0.98 typical</td>
</tr>
<tr>
<td>Overall efficiency, AC input to RF output (11.5 kW output in FM mode)</td>
<td>68% typical</td>
</tr>
<tr>
<td>AC mains config</td>
<td>Three, independent, single-phase inputs with PowerCon NAC3MPA inlets, (mating plugs provided). May be driven by any three 190-264VAC 50Hz/60Hz sources, as derived from a single-phase, delta, or wye service, as desired. Phase rotation and balance not important. Optional AC distribution chassis to provide in-rack three-phase break-out and breaker protection available as option.</td>
</tr>
<tr>
<td>AC input voltage (nominal)</td>
<td>208 VAC</td>
</tr>
<tr>
<td>AC protection size (Note 1)</td>
<td>3 x 20A 60A circuit breaker (double-pole)</td>
</tr>
<tr>
<td>Recommended AC conductor size, #1THHW wire (Note 2)</td>
<td>4 mm² (#6 AWG)</td>
</tr>
<tr>
<td>Line amps at nominal output (approx.)</td>
<td>3 x 48 A</td>
</tr>
<tr>
<td>AC mains entrances</td>
<td>3 x 46 A</td>
</tr>
<tr>
<td></td>
<td>3 x 44 A</td>
</tr>
<tr>
<td><strong>COOLING</strong></td>
<td></td>
</tr>
<tr>
<td>Cooling air volume</td>
<td>34 m³/min (1200 cfm)</td>
</tr>
<tr>
<td>Air intake/output size</td>
<td>Cool air enters via front panel door with integral air filter. Heated air exhausts via five ventilated areas on amplifier rear door. Each air outlet has approximately 150 mm diameter (6’). One replacement inlet air filter shipped with each unit. Customized rack with ducted air output and/or input available as option.</td>
</tr>
<tr>
<td>Heat dissipation (air conditioning load)</td>
<td>3.3kW (11,260 BTU/h) (0.94 tons)</td>
</tr>
<tr>
<td></td>
<td>4.0 kW (13,648 BTU/h) (1.14 tons)</td>
</tr>
<tr>
<td></td>
<td>2.8 kW (9,554 BTU/h) (0.80 tons)</td>
</tr>
<tr>
<td>Cabinet size</td>
<td>483 mm (19&quot; EIA) W x 674 mm (26.52&quot;) D x 710 mm (27.97&quot;) H (16RU)</td>
</tr>
<tr>
<td>Weight</td>
<td>Empty (less PA and PA power supplies) 65 kg (143 lb) - Full 95 kg (209 lb)</td>
</tr>
<tr>
<td>Harmonic filter</td>
<td>Internal</td>
</tr>
<tr>
<td>RF output connector</td>
<td>1 5/8&quot; EIA flangeless, male</td>
</tr>
<tr>
<td>Remote control connections</td>
<td>Parallel remote control interface 25-pin female 'D-sub' connector. Optional 'D-sub' connector to terminal board kit available. Optional remote web control/SNMP available via RJ45 connector. Both interfaces located on rear face of amplifier chassis.</td>
</tr>
</tbody>
</table>

**NOTES:**
1. Wall-mounted circuit breakers are customer-supplied item. Three, single-phase, 20C breakers are recommended. Note: IEC "C" curve = 5x+10A inrush current.
2. All transmitter wiring should be done in conformance with prevailing electrical codes.
NOTES (SEE REFERENCE TO COLUMN ABOVE):

1. ALL FIGURES ARE FOR MAXIMUM POWER LEVELS. FAX INJACK DESIGNED TO OPERATE BETWEEN 240-180 VAC 50/60 HZ.

2. ALL TEMPERATURES WERE TAKEN AT ADJUSTED ELEVATION AT 55°F, DEGREES FAHRENHEIT. ADJUST EMERGENCY FREQUENCY TO MATCH ELEVATION.

3. POWER FACTOR = 0.39 TYPICAL.

4. FAX POWER HAS CHANGED TO 115VAC SINGLE PHASE, 60HZ OR THE FIRST DESIGNER WAS FAULTED. THIS IS CURRENT IN OHMS. OTHER IN OHMS, WRITE AC REIMBURSED DURING FAX RATING DETAILS.

5. FAX TRANSMITTER WITH OPTIONAL REEL BOX WILL HAVE INTERNAL WIRING DESIGNATION BLOCK FOR FAX POWER CONNECTION.

6. DO NOT RESIST AC POWER + 24-36 VAC.

7. SPECIFIC MODES SHOWN UNDER FAX TRANSMITTER OPERATING CONDITIONS ONE WATER FLOW FROM RADIATOR AND VACUUM FLOW FROM TRANSMITTER. FAX INJACK COULD BE USED FOR FALL-THROUGH MODES WITH ADDITIONAL FILTERS FOR FALL-THROUGH MODES.

8. DUTY CYCLE WAVE: POWER RATING AND POWER LEVELS SHOWN TO ACCURATELY CONFORM TO COMPLETELY FAX MODES ON THE MANUFACTURER'S SITE.

9. OPTIONS FOR FAX/240 OR NO MODES (RECOMMEND)

10. CUSTOMER-DEFINABLE (CUSTOMIZED MODE) FAX INJACK MODES MUST BE SHOWN ON THE MANUFACTURER'S SITE.

11. FAX TRANSMITTER FOR -14 DB SENSITIVITY LEVEL.
C) With two FM antennas on the site, one directly above the other, Lessee will specify that the FM transmitter be designed by the manufacturer to filter unwanted mix products. If this is not possible, Lessee will install a band pass filter on the transmitter output.

D) Lessee will install an outdoor-enclosed backup generator as approved by the Lessor and meeting City, State, and National electrical code. This unit will service the WYCS transmission gear only and a dedicated transfer switch will be wall-mounted in the Lessor’s shelter. There is ample wall space for the electrical equipment associated with this proposal. If a propane tank is used, it will be located according to City, State, and National code away from the building and outside electrical equipment. If diesel is used, an appropriate double-walled fuel tank will be used.

E) Lessee will be responsible for insurance of its installers and notification to the operator of 94.1 FM concerning construction dates. Lessee will ensure that no workers are exposed to radiation from 94.1 in excess of accepted ANSI-FCC standards during installation of the new Lessee antenna. Lessee will coordinate with 94.1 FM when their RF power will need to be reduced or off during installation by the tower crew.

(End)
E. Public Hearings

6. Ordinance Authorizing and Directing the City Manager to Execute, Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of City-Owned Property Located at 2102 Madison Avenue and 715-21st Street to the Newport News Redevelopment and Housing Authority (NNRHA)

**ACTION:**
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 CITY-OWNED PROPERTY LOCATED AT 2102 MADISON AVENUE AND 715-21ST STREET TO THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY (NNRHA).

**BACKGROUND:**
- Consistent with the Choice Neighborhood Initiative, the City plans to convey two (2) city-owned vacant lots to the Newport News Redevelopment and Housing Authority (NNRHA).
- Once conveyed, NNRHA has agreed to transfer the properties to Habitat for Humanity Peninsula and Greater Williamsburg.
- The lots will be utilized as part of several future Habitat home locations within the Marshall-Ridley Choice Neighborhood.
- The City Manager recommends approval.

**FISCAL IMPACT:**
N/A

**ATTACHMENTS:**
- Memo to HCC re Conveyance of 715 21st St. and 2102 Madison to NNRHA 4.17.19
- Lot 34A - Attachment
- sdm16839 Authorizing the Conveyance of City Owned Property to NNRHA
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conveyance of 2102 Madison Ave and 715-21st Street to NNRHA

Consistent with the Choice Neighborhood Initiative, as well as the City’s ongoing efforts to encourage single-family residential development within the Southeast Community, the City plans to convey two (2) city-owned vacant lots, 2102 Madison Avenue and 715-21st Street, to the Newport News Redevelopment and Housing Authority (NNRHA).

Once conveyed, NNRHA has agreed to transfer the properties to Habitat for Humanity Peninsula and Greater Williamsburg. The lots will be utilized as part of several future Habitat home locations within the Marshall-Ridley Choice Neighborhood. Construction began this spring and is planned to continue throughout 2020.

It is recommended that the City Council approve the conveyance and corresponding ordinance.

I recommend approval.

CDR:epm

Attachment

cc: Eoghan P. Miller, Assistant to the City Manager
    Karen R. Wilds, Executive Director, NNRHA
OFFICIAL RECEIPT
NEWPORT NEWS CIRCUIT COURT
DEED RECEIPT

DATE: 01/09/2019
TIME: 09:17:47

RECEIPT #: 19000000919
TRANSACTION #: 19010900008
CASHIER: LXS
REGISTER #: B301

INSTRUMENT: 190000305
BOOK:

GRANTOR: NEWPORT NEWS CITY OF
GRANTEE: NEWPORT NEWS ENGINEERING

RECEIVED OF: ENGINEERING
ADDRESS:
CASH: $0.00

DESCRIPTION 1: SEE INSTRUMENT PROP LINE VACATION LT 34A
2: 5000 SQ FT 0.1148 AC

CONSIDERATION: $0.00
A/VAL: $0.00

<table>
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<tr>
<th>ACCOUNT CODE</th>
<th>DESCRIPTION</th>
<th>PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td>106</td>
<td>(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)</td>
<td>$0.00</td>
</tr>
<tr>
<td>145</td>
<td>VSLF</td>
<td>$0.00</td>
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<table>
<thead>
<tr>
<th>ACCOUNT CODE</th>
<th>DESCRIPTION</th>
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TENDERED: $ 0.00
AMOUNT PAID: $ 0.00
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. PROPERTY MAY BE SUBJECT TO EASEMENTS AND SERVITUDES OF RECORD.

THE PROPERTY LINE VACATION AND ADJUSTMENT SHOWN ON THE PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES.

CITY MANAGER
CYNTHIA D. ROHLF

1/2/19

DATE

NAME PRINTED

I, Indiana Brown, a Notary Public in and for the City of Newport News, State of Virginia, do hereby certify that the above named person whose name is signed to the foregoing writing has acknowledged the same before me in my City and State aforesaid. Given under my hand this 2nd day of January, 2019.

Notary Public
Notary Registration Number: 1646821

CITY APPROVAL
APPROVED BY THE CITY OF NEWPORT NEWS, VIRGINIA

CITY MANAGER
CYNTHIA D. ROHLF

1/4/19

DATE

SHEILA W. MCALLISTER, AICP
DIRECTOR OF PLANNING

1-2-2019

DATE

APPROVED AS TO FORM

CITY ATTORNEY

1-2-2019

DATE

REFERENCES:
ID# 170010477
ID# 0012210756
ID# 0011301171
ID# 0003250336
ID# 180018986
ID# 180009998
ID# 180001191
ID# 0002850108
ID# 1703011282
ID# 0012210756
ID# 0011500074
ID# 0003250306
P.B. 1 PG 4

2102/2100 MADISON AVE & 709 21ST ST
CITY OF NEWPORT NEWS
DEPT. OF ENGINEERING
PROPERTY LINE VACATION PLAT
PLAT OF THE PROPERTY OF
CITY OF NEWPORT NEWS
LOT 34A
5000.00 SQ. FEET 0.1148 ACRE
CITY OF NEWPORT NEWS, VIRGINIA

SHEET 1 OF 2

2018-01-04

DATE: 12/18/2018

DRN.BY: PSM

APR.BY:
HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE ON THE DATE OF 12/14/20, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, INCLUDING AN ACCURACY OF NOT LESS THAN ONE (1) FOOT IN TWENTY THOUSAND (20,000) FEET.

INSTRUMENT 190000305
REcorded in the Clerk's Office of
Newport News Circuit Court on
January 9, 2019 at 09:14 AM
Gary S. Anderson, Clerk
REcorded by: LXS

PROPERTY OF
CITY OF NEWPORT NEWS
TAX ID: 312020465
INSTR. #170012493

PROPERTY LINE HEREBY VACATED

LOT 34

LOT PT33

LOT PT33

LOT PT33

LOT PT33

MADISON AVE 80' R/W

PIPE FOUND IRON ROD SET

COMMONWEALTH OF VIRGINIA
PATRICK S. McMAMUS SR.
Lic. No. 3085
LAND SURVEYOR

2102/2100 MADISON AVE & 709 21ST ST
CITY OF NEWPORT NEWS
DEPT. OF ENGINEERING
PROPERTY LINE VACATION PLAT
PLAT OF THE PROPERTY OF
CITY OF NEWPORT NEWS
LOT 32A
5000.00 SQ. FEET 0.1148 ACRE
CITY OF NEWPORT NEWS, VIRGINIA
SCALE: 1" = 20'
DATE: 12/18/2018
DRN. BY: PSM
APR. BY:
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 NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY.

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

WHEREAS, the City Council concurs with this recommendation, finding that it is in the public interest to make said 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 Newport News Redevelopment and Housing Authority:

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>ADDRESS</th>
<th>LEGAL DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>312.0204-68</td>
<td>2102 Madison Avenue</td>
<td>Lot 34A (formerly Lots 33 and 34), Block 16</td>
</tr>
<tr>
<td>312.0204-63</td>
<td>715 21st Street</td>
<td>Lot 30, Block 16</td>
</tr>
</tbody>
</table>

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

3. That this ordinance shall be in effect on and after the date of its adoption, April 23, 2019.
F. Consent Agenda

1. Minutes of the Work Session of April 9, 2019

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A
MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
April 9, 2019
3:00 p.m.

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

ABSENT: Sharon P. Scott, MPA

OTHERS PRESENT: Cynthia Rohlf; Collins L. Owens; Mabel Washington Jenkins; Joye Thompkins; Darlene Bradberry; George Parker; Gary Hunter; Terri Best; John Eley; Shelly Simonds; Lisa Surles-Law; Brian Nichols; Rashad Wright; Karen Wilds; Lisa Cipriano; Cory Cloud; Constantinos Velissarios; Maria Abilar; Shelia McAllister; Flora Chiros; Angela Hopkins; Susan Goodwin; Florence Kingston; Matthew Johnson; Marc Rodgers; Mallory Butler; Everett Skipper; Venerria Thomas; Sonia Alcantara-Antoine; Louis Martinez; Jeffrey Johnson; Andre Dorsey; Frank James; Steve Drew; Michael Grinstead; Alan Archer; David Freeman; Cleder Jones; Kim Lee; Eoghan Miller; Stephanie Hautz; Michelle Mitchell; Jane Hammond; Tabathia Gerze; John McMillan; Joanie Ivy; Mary Vause; Andrian Withcomb; Felicia Barnett; JoAnn Armstrong; Kathryn Hermann; Catina Bullard-Clark; Keith Hubbard; Scarlett Minto; Zina Middleton; and Josh Reyes

I. FY 2020 Recommended Operating Budget

Ms. Cynthia L. Rohlf, City Manager, reminded that she presented the FY 2020 Recommended Operating Budget at the March 26, 2019 City Council Work Session. In keeping with City Council past practices had scheduled presentation related to the budget. She introduced Dr. George Parker, III, Superintendent, Newport News Public School (NNPS).

Dr. Parker indicated he would share the NNPS key accomplishments, key operational challenges and opportunities, moving forward—a vision for NNPS, FY 2019 Operating Budget detail (staffing, compensation, health care, and cash capital—technology, maintenance, and security) and revenue details (a copy of the presentation, “Newport News Public Schools—School Board’s Proposed FY 2020 Operating Budget—April 9, 2019”, is attached and made a part of these minutes).
Dr. Parker advised that Newport News Public Schools were preparing students to be graduate college, career and citizen ready.

Dr. Parker noted the college-ready statistics for the Class of 2018 as follows:

- 44% earned Advanced Studies Diplomas
- 85% took Honors, Advanced Placement, Dual Enrollment or International Baccalaureate Courses
- 3,336 Advanced Placements courses completed
- 82 Early College and Early Career students earned 1,492 college credit hours

Dr. Parker shared the career-ready statistics for the Class of 2018 as follows:

- 1,033 Industry Certifications earned
- 63% held a job while in high school
- 361 students successfully completed Magnet Program requirements in Aviation, Health Sciences, STEM, and the Arts

Dr. Parker shared the citizen-ready statistics for the Class of 2018 as follows:

- 87% participated in clubs, sports, and activities
- 78% performed volunteer work in our community

Dr. Parker advised that the NNPS on-time graduation rate was up to 93% from 72.9% in 2008. Since 2008, the NNPS dropout rate had decreased from 12% to 2.1%.

Dr. Parker indicated that NNPS magnet opportunities were offered to elementary, middle and high school students with the chance to focus in such areas as environmental science, communication and performing arts, aviation, global studies, and STEM through a variety of magnet and specialty program options. The programs:

- Offer a specialized focus in the curriculum or distinctive type of environment or instruction
- Serve children from across the city and every child is eligible to apply
- Transportation for all programs

Dr. Parker shared that 26 of 38 schools were accredited as measured by SOLs (17 high schools, 3 middle schools, and 6 elementary schools). The new accreditation system included
chronic absenteeism and subgroup performance. The proposed accreditation matrix consisted of the following:

- **Academic Achievement (passing rates and progress)**
  - Schools receive credit for students who are making progress in English and/or mathematics and are on a trajectory towards reaching proficiency and for English-language learners making progress towards English proficiency.

- **Academic Achievement Gaps**
  - Schools were evaluated on their success in narrowing achievement gaps in English and mathematics. Under the previous accreditation system, high overall performance could mask underperformance of certain student groups.

- **Graduation Rate**
- **Dropout Rate**
- **Chronic Absenteeism**
  - Schools were evaluated on their success in reducing absenteeism and lowering dropout rates.

- **College and Career Readiness**
  - Effective 2021-2022 high schools would be expected to meet goals for increasing participation and achievement in advanced programs, career and technical education, and work-based and service-based learning.

Councilwoman Cherry inquired as to what grade level and/or schools were the challenges. Dr. Parkers replied all the high schools were fully accredited; however, the middle and elementary schools were where there were challenges. Councilwoman Cherry questioned what was being done at the middle schools not accredited, and what steps were being taken. Dr. Parker replied he would provide City Council with that information at a later date.

Dr. Parker indicated kindergarten readiness and a focus on early education was very important. He stated nearly 70% of NNPS kindergartners received a full day Pre-K education in 2018 as NNPS operated five (5) early childhood centers (Lee Hall Early Childhood Center, Denbigh Early Childhood Center, Marshall Early Learning Center, Watkins Early Childhood Center, and Gatewood Program for Educating Exceptional Preschoolers (PEEP)). These five (5) centers provided services to nearly 1,400 preschoolers.

Dr. Parker noted the students should be reading at grade level by Grade 3. He said a national study released in 2018 showed that students who did not read proficiently by third grade were four times more likely to leave high school without a diploma than proficient readers.
Poverty compounds the problem — students who have lived in poverty were three times more likely to drop out or fail to graduate on time than their more affluent peers. He indicated reports recommended aligning quality early education programs with the curriculum and standards in the primary grades; paying better attention to health and developmental needs of young children; and providing work training and other programs that would help lift families out of poverty. He shared that in 2018 approximately 64% of 3rd graders successfully passed the 3rd grade SOL Reading test.

Dr. Parker advised that NNPS focused on mental health services. Mental Health Services factored into all other areas of academics. With reports of trauma care, reports to Child Protective Services, students struggling academically, truancy and students behavior were symptoms and could lead to larger problems. He advised that mental services was a key focus as well as improving the care that was provided to the students moving forward.

Councilwoman Cherry questioned whether there was a correlation between those students who received free or reduced lunch with mental health services or whether Dr. Parker was stating all students needed mental health services. Dr. Parker replied students need school counselors which was a support of mental health services, but there were tiers of support needed. There were students with extreme behavioral needs and some of those students were helped through local organizations. That level of support was needed in the schools division, the schools needed psychiatrists, clinical licensed social workers, and those intermediary beyond a school counselor who were not necessarily a mental health provider. He shared that school counselors could obtain that rating, but all school counselor were not mental health providers.

Councilwoman Cherry inquired about the status of the school division having psychiatrists, clinical licensed social workers, etc. available to students. Dr. Parker replied there were two on staff with their primary wellness support of special education. The school division would like to increase the staff and put a model in place, so there would be resource for not only school counselors but direct support to students and parents. Currently the school system was not adequately supported to deal with the type of need that students required.

Councilwoman Cherry again questioned whether there was a correlation between those students who received free or reduced lunch with mental health services. Dr. Parker replied research had shown that students who lived at or below the poverty level were more exposed to trauma and family crisis, more homelessness, parent(s) who were incarcerated, and death in the family, that students are living that dynamic and not receiving any mental health care when those types of issues occurred. He noted there was some data available. Councilwoman Cherry indicated that she would like that data. Dr. Parker replied the school division had data on
symptoms of mental health needs and would provide City Council with that information at a later date.

Councilwoman Cherry questioned whether therapeutic day treatment (TDT) existed in the school division. Dr. Parkers replied yes, in all the schools.

Councilman Harris inquired whether H-NNCSB and TDT would be able to work with students that were uninsured. Dr. Parker replied yes, under the TDT, there was an evaluation, and some were referred to outside providers. If a family was not Medicaid eligible, there would be some level of assistance provided.

Dr. Parker indicated there were staffing challenges and NNPS needed to recruit qualified teachers and to retain qualified and experienced teachers. He shared that some of the reasons it was hard to recruit qualified teachers as follows:

- Diminishing pool of teachers in university prep programs
- Hard to fill areas were growing: Math, Special Education, Science, World Language, Technology, Elementary
- Minority candidate numbers were small

Dr. Parker shared as the schools moved forward, the Vision for NNPS was as follows:

- External Curriculum Audit
- Establishing a Profile of a Newport News Graduate
- Establishing Metrics for Kindergarten Readiness
- Improving Remedial Programs for Students who Fall Behind
- Increasing Mental Health Supports (use Hampton-Newport News Community Services Board and Therapeutic Day Treatment as an example)
- Making Schools Safe for all Staff and Students
- Expanding Workforce Development Opportunities

Dr. Parker asked City Council whether they were funding a vision or a budget.

Dr. Parker advised of the school enrollment projections of 27,187 students in FY 2019 and 26,964 for FY 2020, with a decrease of 223. He advised one thing that drove state revenue and most of our cost was the number of students. The state paid NNPS on what they called Average Daily Membership (ADM) through March 31 of each school year. There was a Military – Connected students decrease from FY 2011 – FY 2020 of 2,264.
Dr. Parker shared that the English Language Learners (ELL) Student Growth had increased from FY 2019 to FY 2020 by 232. He informed City Council that the NNPS earned the 2018 English as a Second Language (ESL) Magna Award. The ESL program was to assist with removal of barriers for student achievement.

Dr. Parker indicated, in addition to NNPS student enrollment, other budget drivers were the services provided to students, which are driven by the NNPS strategic plan. The amount of revenue that was expected from the State and locality determined what was able to be accomplished in the NNPS budget. Education was a very labor intensive process. The NNPS compensation strategy was an important budget driver; and health care was part of the NNPS total compensation package, so health cost was a budget driver. NNPS also had non-compensation needs that were budget drivers – technology and maintenance.

Dr. Parker compared staffing services to students from FY 2019 to the proposed FY 2020 NNPS Budget, which included additions and reductions of staff. He indicated the total cost for FY 2020 for the 17 additional positions would equal $1.5 million.

**FY 2019 NNPS Budget**

**Staff Additions (11)**
- 7 ESL Teachers
- 2 Elementary School Counselors
- 2 HVAC Apprentices

**Staff Reductions (39)**
- 2 Media Specialist
- 1 Nurse
- 2 Tech Development
- 4.3 Clerical
- 17.6 Instructional Assistants
- 11.1 Service & Trade Personnel
- 1 Principal

**FY 2020 NNPS Proposed Budget**

**Staff Additions (17)**
- 6 ESL Teachers
- 3 ESL Support Staff
- 2 Elementary School Counselors
- 2 Licensed Social Workers
- 2 Security Officers
- 2 Instructional Technology Coaches

**Staff Reductions (9)**
- 3 Administrative Positions
- 6 Teachers (MS Teacher Staffing Ration Updated)

Dr. Parker advised that the positions funded by Standard of Quality (SOQ) versus not funded were as follows:

<table>
<thead>
<tr>
<th></th>
<th>FY 2019</th>
<th>FY 2020</th>
</tr>
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<tbody>
<tr>
<td>Positions Funded by SOQ</td>
<td>2,460.8</td>
<td>2,469.8</td>
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<tr>
<td>Positions Note Funded by SOQ</td>
<td>1,415.1</td>
<td>1,414.1</td>
</tr>
</tbody>
</table>

Total Full Time Equivalents to Fund 3,875.9 3,883.9

Dr. Parker noted the cost of a 1% raise for all staff would equal $2.2 million. The State raise was provided just for the SOQ positions. The cost of a 1% raise in FY 2020 for the positions not in SOQ was approximately $800,000.

Dr. Parker shared the FY 2020 NNPS Compensation Strategy:

- A salary increase for all employees
- Increase teacher starting pay
- Compression adjustments for teachers
  - Adjust the teacher scales to move closer to the 1.5% between steps which would provide compression adjustments to teachers resulting in an average increase for teachers of 3.1% (ranging from 2.1% - 3.7%)
- Experience adjustments for some support staff groups and increase the starting pay
- Adjust Bus Driver range to improve regional competitiveness
  - With the proposed changes, NNPS starting pay for drivers would be $14.81 next year (that’s the move to a higher range 3.5% and the 1% range adjustment made most years)

Dr. Parker noted the most important thing the NNPS could do to improve student learning was to provide great teachers in every classroom – teachers make the most difference. Dr. Parker indicated “We’ve all heard that teachers aren’t in teaching for the money but they certainly
may decide to work where they can make the most money as a teacher,” so we need to be concerned about how NNPS pay compared to that of other divisions in our area. The NNPS had been working on teacher salaries for the past several years (see attached chart – page 15 of the Newport News Public School Board Proposed FY 2020 Operating Budget – April 9, 2019).

Dr. Parkers shared “An Analysis of Virginia’s 2017-18 Teacher Salary Schedules” by University of Virginia’s EdPolicyWorks defined returns to experience as “the percentage change in salary associated with an additional year of experience within an educational level.” At the end of each school year, teachers must decide whether to remain a teacher, and if so where to teach. Their expectation for how their salary would change plays a key role in that decision-making process. Returns on experience vary across years of experience with a clear majority of divisions back-loading those returns by awarding the largest salary raises to more experienced teachers.

Councilwoman Cherry questioned, during the comparison of other surrounding localities between teachers and loss of student populations had surrounding localities done to compensate for the loss of students. Dr. Parker replied he had that information and would provide that information to City Council at a later date. The comparison was between the Cities of Norfolk, Portsmouth, and Hampton, which were considered urban school divisions, meaning those schools had the same ratio of funding from the State and locality. The information would show the number of students lost, and local support.

Vice Mayor Vick indicated the need to look at teachers and communities in which teachers worked, because sometimes teachers did not leave because of salaries, rather the community/ school in which they taught. She also stated salaries should be on a merit based increase, not across the board. Dr. Parker replied there was an evaluation system in place, the NNPS used the State rating to evaluate teachers. During the evaluation, teachers could be placed on probation for up to five years, or the contract may not be renewed.

Dr. Parker shared the support staff salary comparison for FY 2019 as follows (see attached chart – page 16 of the Newport News Public School Board Proposed FY 2020 Operating Budget – April 9, 2019).

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
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</thead>
<tbody>
<tr>
<td>Custodian</td>
<td>$10.77 hourly</td>
</tr>
<tr>
<td>Bus Drivers</td>
<td>14.17 hourly</td>
</tr>
<tr>
<td>Security Officer</td>
<td>15.19 hourly</td>
</tr>
<tr>
<td>School Nurses</td>
<td>27.14 hourly</td>
</tr>
</tbody>
</table>
Dr. Parker indicated the NNPS had worked on the starting pay for these support groups, but could see the review should be continued. The NNPS salary strategy recommends experience adjustments for employee groups shown above. When the starting pay was raised of employees there would be some compression and that would need to be addressed.

Dr. Parker shared that the NNPS had been working on bus driver pay for several years, but as the market continues to move, NNPS had to keep up, to keep those positions filled. With the changes that were proposed, starting pay for bus drivers would be $14.81 in FY 2020 (that was the move to a higher range 3.5% and the 1% range adjustment made most years). NNPS would not know how that compared to the rest of the market until other divisions shared salary information.

Dr. Parker noted the State salary funding was a 5% increase for SOQ funded positions over a two (2) year period 2019 – 2020, with a maximum credit for raises given in 2019 to equal 3%. He indicated, to receive full State funding in FY 2020 of $5.9 million, NNPS must give at least a 2% salary increase by September 1, 2019.

Dr. Parker advised that the NNPS proposed budget included an increase of $3 million for the employer portion of the health care plan. The attached chart shows NNPS claims and administrative costs in green from 2011 through 2018 (see chart on page 17 attached and made part of the minutes). NNPS had a spike in 2011 claims cost – the 2010 claims number was $26.1 million. At that time, NNPS raised the employer premiums and employee premiums, copays and deductibles. The NNPS claims then dropped in 2012, and from that time through 2017, had been relatively flat. In 2018 NNPS saw another spike in claims, and which drove the need to increase premiums.

Dr. Parker indicated the total claims cost was up $3 million in 2018. He shared that medical was up $1.3 million, Pharmacy up by $750,000, and high cost claims also increased. NNPS total premium collections were $27.7 million, and should claims continue at the same rate 2019, it was projected that the fund balance would be $2.7 million in December 2019.

Dr. Parker shared history on premium changes as employee premiums increased in 2016 by 10% and reduced family premiums by 15% in 2017. The schools gave employees a 3-month premium holiday from December 17, 2018 – February 18, 2019. NNPS had not changed the School Board contribution rate for six (6) years but would have to increase premiums in 2020. The premium changes would cost the School Board $3 million, while the employee cost was yet to be determined. He stated the health care actions to be taken included:

- Bid Third-Party Administrator (TPA) services
• Work with USI on pharmacy benefit manager
• Continue efforts with Employee Wellness programs
• Communicate healthy prenatal programs
• Communicate use of Live Health on-line and Urgent Care Facilities as an alternative to non-emergency Emergency Room visits

Vice Mayor Vick encouraged Dr. Parker to inquire of other localities to ascertain what health care services they were using and rates. Dr. Parker replied that NNPS would do so.

Dr. Parker indicated, based on conversations with City Manager Rohlf and members of City Council, the NNPS included attrition and turnover in the FY 2020 Budget. The funding was budgeted as cash capital and would allow the NNPS to address unmet technology and maintenance needs. The City funding to NNPS for technology was $2.4 million and had remained at that level for many years. The FY2020 budget included $5.4 million for non-personnel costs. The CIP budget for NNPS averages $9 million for building maintenance needs, which were predominantly system replacements. He noted other capital needs must be addressed in the operating budget. The NNPS discussed all of the technology needs and could see that they totaled $3.7 million and proposed adding $2 million to the operating budget to address capital maintenance projects that were not funded in the CIP budget. He shared the technology and building conditions - $5.3 million:

**Technology**

- Visitor management & security cameras $2.0 million
- Student Computers & Infrastructure $0.8 million
- Fire and intrusion systems $0.4 million
- Public address & clock systems $0.1 million

**TOTAL** $3.3 million

**Maintenance**

- Gym Floors, Loading Dock, Casework, Auditorium Ceiling & HVAC $2.0 million

Councilwoman Cherry questioned why those costs would not go in the CIP rather than the operating budget. Dr. Parker replied that traditionally, the NNPS received $9 million in CIP annually and it did not include those items. He gave an example: the City does inspections at the schools and NNPS were required to replace grease traps at a cost of $25,000 - $50,000, which was not budgeted. Councilwoman Cherry noted that she had never seen grease trap replacement as a line item in the budget, but all the other items were listed (i.e. HVAC, roofs, etc.). Dr. Parker replied the schools had been able to compensate for non-funded capital needs in the school budget.
Dr. Parker shared, the end of the year the surplus was used to pay for non-funded capital needs, so not to borrow money and protect the bond rating. Councilwoman Cherry questioned whether the surplus was used in cash capital and could that surplus be used in salaries. Dr. Parker replied it would not be advisable, from 2009 – 2010, 80% of the NNPS budget was salaries and benefits, which left $60 million for utilities, fuel, construction, etc. and that pool of funding got smaller, meaning some things could not be moved in the budget.

Mayor Price inquired about the about the dollar amount for the smaller pool of funding. Dr. Parker replied it went from $60 million to $42.8 million.

Councilwoman Cherry indicated she had concerns with adding the new line items in cash capital. Dr. Parker replied the funds for cash capital in the NNPS budget were due to attrition, unbudgeted positions, unspent line items, and turnover, which was what the City wanted to see in the budget.

Dr. Parker advised that the State gave additional revenue in the amount of $16 million, current revenue was unrestricted, such as lottery funds; however, part of the funds were restricted for a specific purpose.

Dr. Parker shared the Biennial summary of needs as follows:

<table>
<thead>
<tr>
<th></th>
<th>FY 2019</th>
<th>FY 2020</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation</td>
<td>$ 8.0</td>
<td>$ 7.0</td>
<td>$ 15.0 million</td>
</tr>
<tr>
<td>Additional Position</td>
<td>0.8</td>
<td>1.5</td>
<td>2.3 million</td>
</tr>
<tr>
<td>Health Care</td>
<td>-</td>
<td>3.0</td>
<td>3.0 million</td>
</tr>
<tr>
<td>Technology</td>
<td>0.5</td>
<td>3.3</td>
<td>3.8 million</td>
</tr>
<tr>
<td>Maintenance</td>
<td>-</td>
<td>2.0</td>
<td>2.0 million</td>
</tr>
<tr>
<td>New Horizons</td>
<td>0.1</td>
<td>0.6</td>
<td>0.7 million</td>
</tr>
<tr>
<td>Fuel &amp; Utilities</td>
<td>0.9</td>
<td>0.2</td>
<td>1.1 million</td>
</tr>
<tr>
<td><strong>Total Needs</strong></td>
<td><strong>$10.3</strong></td>
<td><strong>$17.6</strong></td>
<td><strong>$27.9 million</strong></td>
</tr>
</tbody>
</table>

Additional State Revenue  
-$16.0 million

Additional City Revenue 2019  
- 0.7 million

School Division Reductions  
- 8.8 million

Additional City Revenue Request 2020  
$ 2.4 million

Councilwoman Cherry thanked Dr. Parker and staff for doing what City Council had requested in the NNPS budget, but had concerns on the cash capital and health care costs. She questioned what would employees pay, so that the schools did not carry the brunt of the costs. Dr. Parker replied, when the schools had increases in health care the costs had been passed onto the
employees, instead of the school division. He stated that NNPS paid much less in premiums than the City. In order to off-set the cost for employees, the school division would pay more into health care. NNPS employees paid a higher rate than the City employees. He indicated under a new plan, adjustments could be made, plans could be more affordable, possible savings could be seen. The NNPS recommended taking on the burden of the cost. He noted the NNPS employees paid significantly more than City employees.

Dr. Parker indicated the NNPS had put together a responsible budget that met the needs of the school division in its current state. The NNPS could not continue to operate at level funding and expect services to continue to increase and meet the needs of students while building a progressive school division, but the City was not willing to invest in that process.

Councilwoman Cherry shared her concerns on the number of unaccredited middle schools. Dr. Parker replied two unaccredited middle schools. Councilwoman questioned what was being done to move those two middle schools forward to be accredited. One of the problems with getting people to move to Newport News was the school system. If the school system was still in a quandary while trying to get the middle schools accredited, what was the school division doing. She asked, with schools requesting more funding, did that mean the schools would be accredited.

Dr. Parker indicated as discussed the NNPS need for additional teachers and support staff, and change in curriculum. The accreditation system had changed to include chronic absenteeism, curriculum, and subgroup performance. The schools division needed to continue with funding for the necessities.

Councilwoman Cherry advised before Dr. Parker came – the City was in the same quandary and the school division in the same state of affairs. There were realtors that did not show properties in Newport News because of the school system. She stated “just because you have more, does not mean you will do better.” The focus needed to be on the children and the City continued to provide the school division with the requested funding, but the middle schools still were not accredited. If the schools asked for funds, the City wanted to see a return on the investment on the children.

Dr. Parker noted that the resources were needed to get the work done. The NNPS invested in graduation coaches, retained trained and experienced teachers, and accountability. Lack of funds put barriers up. Councilwoman Cherry replied barriers were placed because of dollars, which should not be the case.
Vice Mayor Vick indicated the NNPS and the City departments all had a budget wish list or the necessities to help make departments run, which in turn, made the City run. In an ideal world everyone could get funding, but in local government and the business world that was not a reality. She stated she was disturbed to read that 60% of NNPS students qualified for free or reduced lunch and children living in poverty were more likely to experience trauma, and the mental health services were vital to minimizing behavioral disruption for teachers and learning. Just because a student received free or reduced lunch did not mean they would have mental health problems. Dr. Parker replied there was research to support there were issues with trauma in communities of low social economics, and he would be willing to share that information. Vice Mayor Vick shared that she was glad the NNPS had a relationship with H-NNCSB and was told that H-NNCSB could charge Medicaid for the services. Dr. Parker replied the NNPS would certainly look into that as H-NNCSB had increased partnerships. Students and parents would be able to meet with H-NNCSB without going to the Hampton office. The NNPS still needed more licensed support to meet the needs of the students.

Councilwoman Woodbury inquired about the NNPS online budget, as the end of February 2019 showed a surplus of $4 million. She questioned whether Dr. Parker was stating that $4 million would be placed in cash capital. According to the Code of Virginia, Section 22.1-100, “Unexpended school and educational funds. All sums of money derived from the Commonwealth which are unexpended in any year in any school division shall revert to the fund of the Commonwealth from which derived unless the Board of Education directs otherwise. All sums derived from local funds unexpended in any year shall remain a part of the funds of the governing body appropriating the funds for use the next year, but no local funds shall be subject to redivision outside of the locality in which they were raised.” The NNPS reallocated the money for other areas within the budget. Once of the options from the City was to have the surplus returned to the governing body and the fund would be offered to reallocate for salaries and wages. Councilwoman Woodbury noted the total school budget went from $304.9 million to $314.2 million which was a 3.1% increase. Why not make the $4 million available to pay for teacher raises. Dr. Parker replied there was a decrease in unassigned items. The school division would have to find funding to meet the needs of the ESL population. With regard to the $4 million, 1.3% of the NNPS operating budget which would be .2 cent or less on a dollar – not a lot surplus, but the City moved $5 million to cash capital last year. The spotlight was on the school division spending, but on not on the City.

Councilwoman Woodbury suggested that school bus drivers would get differential raises, which made sense and asked whether the school board would consider getting taxing authority. Dr. Parker would speak directly to cash capital. City Council was clear and wanted to know whether the dollars were being spent and were dollars being spent appropriately. Dr. Parker stated with the school budget, he had provided City Council with the information requested.
Councilwoman Woodbury advised that the Code of Virginia dictated what should be done with the $4 million, in order for the governing body to reallocate. Dr. Parker stated the funds not spent by June 30th of each year, in accordance with the Code any money unspent goes but to the City. He was concerned with what the code dictated which would create a problem when trying to meet the needs of the of the school division as it limited the operation capacity of the schools (technology, maintenance and repairs) that needed to be taken care of over the summer when the students are not in school.

Councilwoman Woodbury advised that salaries were a very important need of the NNPS budget, but had concerns about what was budgeted, actually spent, and the surplus in a number of categories, with a difference of $31 million. Dr. Parker requested details of the findings. Councilwoman Woodbury indicated another concern was there were fewer personnel and fewer students, yet an additional had $2.2 million for a 1.1% was being requested for a raises. Dr. Parker replied salaries and benefits increased.

Councilman Harris shared that he did not understand how City Council and the School Board was in same place as the previous year. He indicated there had to be a better way to go through the budget process. Without good dialogue the City Council and School Board would be at the same place in FY 2021. Councilman Harris thanked the school board for details on the NNPS budget.

Dr. Parker thanked City Council for meeting with the School Board in October 2018 and January 2019 on the Capital Improvement Budget. In February or March 2020 the City and School Budget Directors met and began having dialogue around the operational budget. He would like to have had further discussions before City Manager Rohlf’s FY 2020 Recommended Budget was released.

Councilwoman Cherry thanked Dr. Parker for presenting the NNPS budget and being transparent; but advised from the City’s perspective, when looking at the total City operating budget, the NNPS was only one piece of the pie. She stated City Manager Rohlf had to look at all of the departments and their operational needs. The Council was thankful for the work in the NNPS system, but in the mist of that we are all residents of Newport News, and needed to look at the entire City. Decisions had to be made for the City as a whole, which included 180,000 citizens. Dr. Parker indicated he realized there was a border vision for the City and his job was to advocate for the children and school division.

City Manager Rohlf introduced Fire Chief Jeffrey Johnson and Police Chief Steven Drew to provide a presentation on Public Safety and to discuss some of the important initiatives and the budget requests of each department. Fire Chief Johnson would give his 45 day version of
what he had seen. Police Chief Drew gave a press conference where he laid out his plan for FY 2020 and some of the Newport News Police Department initiatives.

Fire Chief Johnson presented a brief overview of the Newport News Fire Department budget and enhancements. The City had funded the NNFD FY 2019 budget which allowed the following:

**To-Date Expenditures**

- $2 million for Self Contained Breathing Apparatus (SCBA)
  - the breathing apparatus are very sophisticated with high pressure for 45 minutes versus a 30 minute bottle which gave fire fighters additional work time inside – it was a cutting edge piece of equipment
- Mid-year Public Safety Wage Adjustment
  - Morale booster and good device for recruiting and retention of members
- Community Paramedicine
  - FY 2019 there were 484 interactions – caller who call the fire department on a regular basis that drain resources. Network with the community (with local hospitals, local agencies). Some of concerns of those caller was a simple as the need for their medication, falls, etc.
- Fire Apparatus Replacement
  - Over the past several years the City had aggressively funded the replacement efforts

Councilwoman Woodbury inquired whether a Community Paramedicine position was being added. Chief Johnson replied yes, an additional Community Paramedicine would be added. City Manager Rohlf indicated a lot of the new initiatives were added as the City was able to do through repurposing existing funds, made cuts and reallocated existing dollars.

**FY 2020 Budget Proposals**

- Additional Community Paramedicine Position
- Re-organization of Command Staff
- Full Year Funding of Wage Adjustment
  - Seen a great discussion on how pleased fire fighters and former fire fighters wanting to return

Councilwoman Cherry inquired about additional Command Staff and whether there was a new position. Chief Johnson replied it was one new position; however, repurposing some of the dollars funded this new position and there was cost savings for cost classification.
**Anticipated Outcomes from Budget Proposal**

- Greater Service to our Community
- Improved Living Conditions in the Fire Stations
- Greater Effectiveness and Efficiency at Command Staff
- Employee Retention and Enhanced Quality of Work Life

Vice Mayor Vick inquired whether citizens were calling 911 because they needed medication. Chief Johnson replied yes. City Manager Rohlf indicated for some individuals, it was a need and, the City was trying to meet the need, but to do so in a more positive way while connecting those individuals with the services and resources needed. Councilwoman Woodbury understood those individual’s needs, but calling 911 was their resource and the partnership should be a great asset.

Chief Johnson introduced Assistant Chief Dorsey who had been a tremendous help and was a daily driver in the fire department.

Police Chief Drew advised that there had been a 7% reduction in crimes, and 50% reduction in homicides in the City. With reference to a woman shot and killed outside the Newport News Nail Salon in the 6100 block of Jefferson Avenue. There were 20 detectives at the crime scene talking to the surrounding businesses, community, the Cities of Hampton and Suffolk, which was why the NNPD was able to apprehend the suspect quickly. There were request made for the FY2020 budget as following:

- FIOA Position
  - Record Department needed this position as it was behind with data collection. Every officer had the new body camera and more request were made by the media, when individual bought suits against the City. This would be a huge benefit to the department making it more effective and efficient.
- Three (3) new positions
  - Initiative to focus on homelessness, continued youth empowerment, etc.

Chief Drew shared that the starting salary for the City Hampton Police Department was more than Newport News. Once he arrived to the City, he met with City Manager Rohlf and stated the City needed to be competitive with the City of Norfolk. The City of Newport News was now #2 behind the City of Virginia Beach and for the first time since the mid 1980’s – on July 1, 2019, the NNPD would be fully staffed.
City Manager Rohlf advised that City Council had provided $20,000 for a new initiative and asked Chief Drew to provide a brief overview. Chief Drew advised that the funding would be used for the following:

- Relocation of individuals fleeing from a criminal situation, not just from a neighborhood but to another state through partnerships, while creating immediate relief and build trust
- Police Athletic League (PAL) 2019 Summer League

Chief Drew shared other officers would come to Newport News because of the increase in salary; however, that would mean the compression and would need to be addressed.

Vice Mayor Vick indicated she was hearing a lot of people start to think twice about coming to the City of Newport News to commit crimes because criminals were being apprehended quickly.

City Manager Rohlf indicated a main concern of Chief Drew’s was Domestic Violence. Chief Drew and the Commonwealth Attorney’s office had a plan of attack adding a Commonwealth Attorney position dedicated to Domestic Violence. Chief Drew noted that three deaths in Newport News were domestic violence related. The NNPD had reallocated and moved one detective to partner with the Commonwealth Attorney for strictly domestic violence cases.

City Manager Rohlf shared that the salary adjustment were supported by City Council and was greatly appreciated. It was needed for public safety, and there would ultimately be a cost saving through lower overtime costs, and would pay for itself.

Councilwoman Woodbury, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. She declared, pursuant to §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agendas of March 26, 2019, April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 23, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds for organizations, including the Transportation District Commission of Hampton Roads, also known as Hampton Roads Transit (HRT), and such Operating Budget includes charitable contributions to various organizations; (iii) that she represented Newport News on the board of directors of HRT, for which she received minimal remuneration, well below the Conflict of Interest Act threshold; and (iv) that she was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk
prior to the City Council meetings at which time the transaction was considered – March 26, 2019; and is attached and made a part of these minutes).

Councilwoman Cherry, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. She declared, pursuant to §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agendas of March 26, 2019, April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 23, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2019 (the transaction); (ii) the said Operating Budget includes, in small part, funds for charitable organizations; (iii) that she was on the board of directors of Community Free Clinic, for which she received no remuneration; and (iv) that she was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – March 26, 2019; and is attached and made a part of these minutes).

Councilman Marcellus L. Harris, III, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agendas of March 26, 2019, April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 23, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds to pay the salaries of persons employed by the Newport News School Board, which was a group of three or more persons the members of which were affected by the transaction; (iii) that he was employed as a Counselor for the Newport News School Board; (iv) that he was on the board of directors of Hampton Roads Community Action Program (HRCAP), which was a charitable organization providing services to Newport News residents, for which he received no remuneration, and which would be a recipient of monies designated to it in the City Operating Budget for FY 2020; (v) that his wife was on the board of directors for the Peninsula Agency on Aging, which was a charitable organization and for which she received no remuneration, and which would be a recipient of monies designated to it in the City Operating Budget for FY 2020; and (vi) that he was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – March 26, 2019; and is attached and made a part of these minutes).

Councilwoman Scott, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. She declared, pursuant to
§2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agendas of March 26, 2019, April 9, 2019 and April 23, 2019, for Public Hearings on April 11, 2019 and April 23, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds for organizations, including the Transportation District Commission of Hampton Roads, also known as Hampton Roads Transit (HRT), and such Operating Budget includes charitable contributions to various organizations; (iii) that she was an alternate representing Newport News on the board of director of HRT, for which she received no remuneration; and (iv) that she was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – March 26, 2019; and is attached and made a part of these minutes).

II. Denbigh / Warwick Area Plan

Ms. Cynthia L. Rohlf, City Manager, introduced Ms. Shelia McAllister, Director, Department of Planning and Ms. Angela Hopkins, Senior Planner and Project Manager, Department of Planning, to provide the Denbigh-Warwick Area Plan (DWAP) overview of the existing conditions, planned vision and goals, and big moves and development concepts (a copy of the presentation, "Denbigh-Warwick Area Plan", is attached and made a part of these minutes).

Ms. Hopkins indicated the Planning Department was the plan sponsor and coordinating entity for the project. As Project Manager, she had coordinated directly with the lead consultants, WRT. Along with the consultants, the Planning Department had established a Core Team consisting of various City departments and other partner organizations, as well as a Citizen Advisory Group to assist with the effort.

Ms. Hopkins noted that the Planning Department was about three quarters of the way through the planning process. It was a very robust process. Since the kick-off in June 2018 there had been several community engagement activities that included stakeholder interviews; core team and citizen advisory group meetings; focus group meetings; community meetings; conducted a community survey; and a two-day community workshop. The consultants were in the process of preparing the draft plan and anticipated a final community meeting in July 2019 where the consultants would present the final draft plan to the community.

Ms. Hopkins shared the goal of the DWAP was to define a long-term vision for Denbigh-Warwick that established an identity for the area, improved health and safety, enhanced
the quality of life, and stimulated economic and investment activity along the Warwick Boulevard corridor.

Ms. Hopkins shared the project boundary: the study area spanned 7 miles along Warwick Boulevard, running east to the CSX tracks, west to the Warwick River, south to Oyster Point Road/Deer Run and north to Oakland Industrial Park. It did not include City Farm.

<table>
<thead>
<tr>
<th>Area and Population</th>
<th>Newport News</th>
<th>Denbigh</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Square Miles</td>
<td>187,396</td>
<td>12.46</td>
</tr>
<tr>
<td>• People</td>
<td>48,579</td>
<td></td>
</tr>
<tr>
<td>• Average Household size</td>
<td>2.63</td>
<td>2.5</td>
</tr>
<tr>
<td>• Average Family Size</td>
<td>3.09</td>
<td>3.12</td>
</tr>
<tr>
<td>• Female-Led Family Household</td>
<td>13.3%</td>
<td>14.0%</td>
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<table>
<thead>
<tr>
<th>Demographics</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>• White</td>
<td>45%</td>
<td></td>
</tr>
<tr>
<td>• Black</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>• Hispanic (Population on the rise)</td>
<td>12%</td>
<td></td>
</tr>
<tr>
<td>• Asian</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>• Other</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>• Median Age</td>
<td>34.1</td>
<td>35.1</td>
</tr>
<tr>
<td>• 65 and Older</td>
<td>13%</td>
<td>13.2%</td>
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</table>

<table>
<thead>
<tr>
<th>Employment and Income</th>
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</thead>
<tbody>
<tr>
<td>• Median Household Income</td>
<td>$52,373</td>
<td>$57,560</td>
</tr>
<tr>
<td>• Unemployment Rate</td>
<td>5.3%</td>
<td>4.6%</td>
</tr>
<tr>
<td>• Families in Poverty</td>
<td>8.6%</td>
<td>14.3%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Housing Units</td>
<td>78,543</td>
<td>19,693</td>
</tr>
<tr>
<td>• Median Year Housing Built</td>
<td>1977</td>
<td>1978</td>
</tr>
<tr>
<td>• Homeowners</td>
<td>45.8%</td>
<td>55%</td>
</tr>
<tr>
<td>• Rentals</td>
<td>46.5%</td>
<td>38%</td>
</tr>
<tr>
<td>• Median Home Value</td>
<td>$207,381</td>
<td>$210,773</td>
</tr>
<tr>
<td>• Median Rent</td>
<td>$964.00</td>
<td>$1,156</td>
</tr>
</tbody>
</table>

Community
(Transportation to work)

- Drive Alone: 79.1%  
  - Bus: 3.5%  
  - Bike: 0.3%  
  - Walk: 4.1%

- Live in Denbigh-Warwick but Work Elsewhere (19,000)
- Live and Work in the Denbigh-Warwick (739) – 2010 U.S. Census Data
- 32 Walk Score – Car Dependent
- One Library Serves Denbigh-Warwick
- One Police Station, Two Fire Stations and One Community Center Serves Denbigh-Warwick

Economic Conditions

- Commercial Activity
  - Warwick Boulevard and Denbigh Boulevard are the main commercial corridors. Numerous vacancies present opportunities for adaptive reuse and/or redevelopment.

- Enterprise Zone
  - In effect since 2015, the Enterprise Zone allows new and existing businesses to receive state grants for job creation and real property improvements.

- Economic Anchors
  - Fort Eustis and the Oakland Industrial Park provide opportunities for growth and expansion of supportive services.

Ms. Hopkins noted a look of connectivity to places where people wanted to be, (trend toward parks, trails, and a high level of walkability, making them attractive to investment).

- Parks & Recreation
  - Denbigh Community Center and Stoney Run Athletic Complex are neighborhood assets to build upon.

- Bike & Pedestrian Trails
  - Explore ways to enhance and expand existing network.

- Other Amenities
o Consider ways to create connections between schools, libraries, commercial corridor, and other services.

Ms. Hopkins advised of existing land use in the Denbigh – Warwick Area.

- **Large Residential Areas**
  - Preserve character of existing neighborhoods and improve entrances and connections.

- **Transitioning To Other Uses**
  - Look into ways to expand types of uses along commercial corridors.

Ms. Hopkins advised that there had been community engagement to include:

- Stakeholder Interviews
- Focus Groups
- Community Meetings
- Community Survey
- Community Workshop

Ms. Hopkins shared there were planned themes throughout the process a survey “Where would you invest?” with the following results:

- Natural Systems 185,000
- Economic Revitalization 170,000
- Placemaking 157,000
- Health and Safety 142,000
- Connectivity 132,000

Ms. Hopkins noted key findings from the January 2019 workshop:

- **How to Make More Reasons To Come To Denbigh - Warwick Area**
  - A craft brewery, diverse restaurants, an art and music venue, and family friendly entertainment.

- **Do not Forget The North End**
  - Everyday services and amenities and housing near Shellabarger Drive and Oakland Industrial Park much needed.
Ms. Hopkins indicated the question was proposed “Should the Grissom Library be moved?” and results were as follows:

Yes (55%)  No (45%)
➢ Sherwood Shopping Center
➢ Denbigh Community Center
➢ Old K-Mart Site

Ms. Hopkins advised of the Issues & Opportunities for each planned theme as follows:

HEALTH AND SAFETY
• Resident, Employee, & Visitor Safety
• Police & Emergency Services
• Resident Health
• Supportive Services

Vision
• Denbigh-Warwick is a safe, healthy, and inviting community for all residents, including young professionals, families, empty nesters, and retirees. Entrepreneurs and small business owners are attracted to the area’s diversity and flourishing local business climate.

Goals
1. Improve overall appearance and sense of safety
2. Establish a modern police, fire, emergency, and community services facility
3. Foster a healthy environment for residents of all ages with access to quality health care
4. Build on the area's agricultural history by integrating a farm stand or market

PLACEMAKING
• Area Character
• Gateways & Activity Centers
• Accessibility
• Community Facilities

Vision
• Distinct from the other parts of Newport News, Denbigh-Warwick is vibrant, green, and diverse with dynamic civic spaces like the Grissom Library, Denbigh
Community Center, parks, and public plazas. There is always something to do from festivals to farm markets, outdoor concerts and movies, which create a warm sense of community. A hip foodie culture is also evolving around the entrepreneurial, tech hub that is taking shape alongside Oakland Industrial Park

**Goals**
1. Establish a series of pedestrian-friendly, mixed-use village centers along Warwick Boulevard
2. Define and enhance character areas throughout Denbigh-Warwick
3. Identify major entrances to and within Denbigh-Warwick and create a consistent set of welcoming gateways

**CONNECTIVITY**
- Regional
- Local/Intra-Neighborhood
- To Community Amenities

**Vision**
- Residents, businesses and employees find Denbigh-Warwick an appealing area to locate as it is well-connected to the city and larger region. Multiple bus routes, a network of bike lanes, and enhanced walkability provide transportation alternatives. An interconnected system of sidewalks and crosswalks allow residents of all ages to safely access and take advantage of the community's schools, parks, waterfront, shopping, services and civic amenities.

**Goals**
1. Reduce traffic congestion, improve connectivity, and create transit choices.
2. Improve pedestrian and bike connections for residents between neighborhoods and community amenities
3. Ensure that all neighborhoods are within a 10-minute walk of a park or green space

**ECONOMIC REVITALIZATION**
- Business Improvements & Opportunities
- Services & Entertainment
- Housing

**Vision**
Denbigh-Warwick has a varied and supportive employment base that benefits from proximity and relationships with Fort Eustis and Oakland Industrial Park, as well as the larger Hampton Roads region. In addition to quality employment, retail, restaurants, and community services that catered to the area's diverse residents, employees, and visitors, Denbigh-Warwick's diversified housing makes it livable at every stage of life.

**Goals**
1. Support local small business growth and encourage expansion of existing home-based
2. Create opportunities for new job creation, education, and training that allow community interaction
3. Encourage new supportive uses within and near Oakland Industrial Park that cater to employee needs
4. Ensure a wide range of housing options

**NATURAL SYSTEMS**
- Resiliency & Green Infrastructure
- Preservation & Stewardship
- Community Access To Nature

**Vision**
- Denbigh-Warwick's agricultural roots are still evident today through its mature trees, natural corridors, parks, and other green spaces that are integrated into its public places. The area greatly respects its location along the water, preserving its edges with natural buffers. Park and recreational spaces protect the area's natural resources while encouraging physical activity and wellness. Resilient design and stormwater management features create additional green elements while reducing the environmental impact of the built environment.

**Goals**
1. Preserve green corridors and a natural buffer along
2. Strive to provide a park or green space within 10-minute walk (1/2 mile) of all neighborhoods
3. Encourage new development and significant redevelopment to incorporate resilient design

Ms. Hopkins advised of the BIG MOVES for each planned theme as follows:
CONNECTIVITY

- Enhancing Regional Access
  o Creating more transportation choices by maximizing east west connections, and enhancing routes between employment centers, major thoroughfares, and the commercial corridor.

- Improving Local Access To Community Assets
  o Increasing pedestrian and bike connections from neighborhoods to schools, community facilities, natural resources, and the commercial corridor

NATURAL SYSTEMS

- Expanding Green Spaces & Protecting Resources
  o Denbigh-Warwick enjoys a "green" heritage treasured by residents. The plan strives to preserve and enhance these resources.

- Increasing Access And Enjoyment
  o Residents would like additional recreational opportunities and more green spaces. The Denbigh-Warwick Area Plan is exploring ways to improve access to and awareness of available resources by expanding existing resources and trails.

PLACEMAKING

- Gateways
  o These are areas of arrival, marking major entrances and points of interest in Denbigh-Warwick.
    1. Enterprise Drive
    2. Fort Eustis Boulevard
    3. Atkinson Way
    4. Denbigh Boulevard
    5. Bland Boulevard
    6. Oyster Point Road

- Village Centers
  o These are centralized character areas and locations of activity accessible to the community.
    1. Shellabarger Drive
    2. Denbigh Community Center
3. Old Kmart Site
4. Sherwood Site
5. Colony Road

THREE SECTORS

• Creating a Focused Approach For The Denbigh-Warwick Area
  o Splitting Denbigh-Warwick into 3 sectors allows the plan to look at targeted interventions within the unique character zones that make up the planning area.

  From North to South
  North: From the Northern Boundary of the Planning Area around Oakland Industrial Park, To Atkinson Boulevard.*
  Core: From Atkinson Boulevard to Bland Boulevard/ Lucas Creek.
  South: From Bland Boulevard/Lucas Creek to Oyster Point Road/Deep Creek.

  *Currently Atkinson Way. Upon Completion Of Road Improvements This Will 29 Change To Atkinson Boulevard.

Ms. Hopkins indicated the Development Concepts for creating a catalyst for change was as follows:

Conceptual Redevelopment Plan For Core Area

"DENBIGH TOWN CENTER"

• A Vibrant Mixed-Use Gathering Place
  o Pedestrian-friendly development with a Main Street and Town Green to generate activity
  o Stoney Run Greenway becomes a focal point with a multi-use trail running along the edge
  o Strengthened connections to Old Courthouse Way, Courthouse Green, and Denbigh-Warwick Center
  o Poised to take advantage of increased traffic from I-64

Development Program*

• 650+ Residential Units
• 90,000 Ft2 Retail Space
• 2 Acres Green Space
*Economic Development Authority (EDA) Owned Land Only

“SHERWOOD SITE”

- **An Inviting Community Hub**
  - A beautiful new front door to the community offers a one-stop location for municipal services
  - Police have a more visible presence
  - The corridor edge is enhanced with attractive facades on Warwick Boulevard
  - A civic green frames the Lucas Creek corridor
  - The Grissom Library could be housed here and anchor the hub
  - Office and residential spaces may also be integrated

**Development Program**

- 60+ Residential Units (Developed After Grissom Moves To Permanent Location)
- 63,000 feet of Retail Space
- 67,500 feet of Office Space
- 19,500 feet of Police Station (Access To Warwick Blvd And Old Courthouse Way)
- 50,000 feet of Municipal Services
- 1 Acre Town Green

Ms. Hopkins shared that the next steps for the Denbigh – Warwick Area Plan would include:

- Consultants to finalizing the draft
- Joint Public Meeting with City Council, Planning Commission and Industrial Development Authority/Economic Development Authority on July 16, 2019
- Planning Commission Public Hearing where the consultants would present the draft plan
- Followed by Public Hearings in late Summer 2019 with Planning Commission and City Council

Ms. Hopkins advised to stay connected and for questions please contact:

Ms. Angela Hopkins, Senior Planner City of Newport News
Phone: 757-926-8077
Email: ahopkins@ahopkins@nnva.gov
Vice Mayor Vick thanked Ms. Hopkins for all of the work put into the plan.

Councilwoman Cherry questioned whether branding was discussed. Ms. Hopkins replied yes, branding was discussed, but not the final design. The Denbigh-Warwick Courthouse was used to begin the branding of Denbigh-Warwick Area Plan.

III. Comments / Ideas / Suggestions

Councilwoman Cherry advised there was water retention on Chesapeake Avenue on the new bike trail. Mr. Skipper replied staff would check on the status of the project and standing water.

Councilman Harris indicated he received calls from citizens with concerns about the Cook Out Restaurant (12471 Jefferson Avenue) regarding the traffic back-up on Jefferson Avenue, making that a dangerous area to travel. City Manager Rohlf replied she would have staff look into the matter.

Mayor Price advised that he attended a ribbon cutting on April 9, 2019, at Surge Adventure Park (14346 Warwick Boulevard) in the Warwick Shopping Center formerly where Car Race Track were located. Councilman Harris questioned whether the cars would be removed. City Manager Rohlf believed one of the cars had been removed.

IV. Closed Meeting

(5:26 p.m. – 5:42 p.m.)
THERE BEING NO FURTHER BUSINESS  
ON MOTION, COUNCIL ADJOURNED 5:42 P.M.

Zina F. Middleton, MMC  
Chief Deputy City Clerk

McKinley L. Price  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk
F. Consent Agenda

2. Minutes of the Special Meeting of April 9, 2019

ACTION:  ● N/A

BACKGROUND:  ● N/A

FISCAL IMPACT:  ● N/A

ATTACHMENTS:
Description
Minutes of the Special Meeting of April 9, 2019
PRESENT: Marcellus L. Harris III; David H. Jenkins; McKinley L. Price, DDS; Tina L. Vick; Dr. Patricia P. Woodbury; and Saundra N. Cherry, D. Min.-----------------------6

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

OTHERS PRESENT: Cynthia Rohlf; Collins L. Owens, Jr.; Mabel Washington Jenkins; Alan K. Archer; David Freeman; Florence Kingston; Karen Wilds; Marc Rodgers; Mallory Butler; and Zina Middleton.

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

(1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (3) a discussion or consideration of the acquisition/disposition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition of real property in the southern section of the City; and (5) a discussion of a prospective business or industry where no previous announcement has been made of the business’ or industry’s interest in locating a facility in the community, the subject of which is a prospective new business in the southern section of the City.

Councilman Harris moved for a closed meeting under section and reasons cited above; seconded by Councilwoman Woodbury.

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

(Closed Session 5:26 p.m. – 5:42 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 Councilwoman Woodbury.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Vick, Woodbury, Cherry
Nays: None
THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 5:42 P.M.

Mabel Washington Jenkins
Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, test:
City Clerk
CERTIFICATE OF CLOSED MEETING

MEETING DATE: April 9, 2019

MOTION: Councilman Marcellus L. Harris III
SECOND: Councilwoman Dr. Patricia Woodbury

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

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

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

VOTE

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

ABSENT DURING VOTE: Scott

ABSENT DURING MEETING: Scott

ATTEST:

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

3. Minutes of the Regular Meeting of April 9, 2019

**ACTION:** • N/A

**BACKGROUND:** • N/A

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**
Description
Minutes of the Regular Meeting of April 9, 2019
MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
APRIL 9, 2019
7:00 P.M.

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

ABSENT: Sharon P. Scott, MPA

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 Major Jason Knudeson, Wing Chaplain, U.S. Air Force (480th Intelligence, Surveillance and Reconnaissance Wing, Joint Base Langley-Eustis, Virginia).

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

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

D. Presentations

1. Proclamation: National Youth Violence Prevention Week – April 8 -12, 2019

Mayor Price invited the following to join him on the podium to accept the proclamation: Mr. Cortez Higgs, Ms. MaRhonda Echols, Action Team Members, Ms. Bridget Adams, Ms. Melissa Morgan, Mr. Arris Madden, Mr. Michael Nichols, Mr. Shavar Bland, and Chief Steve Drew, NNPD.

Mayor Price proclaimed the week of April 8 – 13, 2019 "National Youth Violence Prevention Week in the City of Newport News and advised that National Youth Violence Prevention Week was founded by Students Against Violence Everywhere (SAVE) as an initiative of the Sandy Hook Promise, to raise awareness and educate youth in communities on effective ways to prevent or reduce youth violence.
D. Presentations Continued

1. Proclamation: National Youth Violence Prevention Week – April 8-12, 2019 Continued

He indicated the safety and well-being of many were unnecessarily jeopardized by violence, and too frequently, there were instances of isolation, bullying, and self-harm in the community. Young people who are isolated could fall victim to bullying, violence, and/or depression, causing them to pull away from society, and struggle with learning and developing.

Mayor Price shared that youth were working to enhance learning environments by reducing social isolation, and speaking up when youth were at risk of harming themselves or others. He advised that schools and communities across the country were uniting to protect the most vital resource – our youth.

Mayor Price advised that the Office of Youth and Gang Violence Prevention; the Departments of Human Services; Parks, Recreation and Tourism; the Newport News Police Department; Youth Adult Police Commissions; Newport News Public Schools; the Mayor’s Campaign to End Bullying; the Mayor’s Youth Commission; the Citywide Student Council Association; and the Silence Empowers Violence Community Action Team, worked collaboratively to host educational and awareness activities through April 8-13, 2019 in various locations throughout the City. The theme for the week was “Be a Superhero: Activate your Super Powers” to encourage everyone to do their part to prevent or reduce youth violence.

Mayor Price, on behalf of his colleagues on the Newport News City Council, proclaimed April 8-12, 2019 National Youth Violence Prevention Week and urged all citizens, agencies, and businesses to work toward preventing youth violence by promoting awareness and the prevention of youth violence.

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

E. Public Hearings

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget

Mayor Price announced that this was the first of two public hearings that City Council would conduct on the FY 2020 Recommended Operating Budget. The second public hearing was scheduled for Thursday, April 11, 2019, at 7:00 p.m. in Room 113 of the Denbigh Community Center, 15198 Warwick Boulevard. He advised, by State Code, each locality was required to hold one public hearing on the budget, but due to the unique geography of the City of Newport News, there were two public hearings for the ease and benefit of traveling for the citizens. This helped ensure that City Council heard from all citizens on budget issues.
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Mayor Price stated, at the City Council Work Session on March 26, 2019, the City Manager presented her FY 2020 Recommended Operating Budget to City Council. He stated as the City worked through the year on the FY 2020 Operating Budget, City Council would continue to have discussion and communicate its desires to the City Manager after hearing from the public. He indicated that many questions and concerns had been raised about the level of the City’s contributions to the Newport News Public Schools, and about City Council’s commitment to funding the Schools’ needs, both operating, which included salaries and benefits and capital needs, such as technology investments, and repair and maintenance of buildings.

Mayor Price provided information on some of the recommendations that City Council would consider to support the Schools’ funding request. He shared, as a Council, they valued education. City Council supported teachers and school support staff. They understood the critical role played in preparing young people for successful futures, for which they provided thanks. Mayor Price advised, City Council, as a governing body, also had an obligation to all of citizens to be good stewards of all tax dollars. The policies set, and the decisions made as a Council, were a result of having to balance competing needs. He further advised, just as City Council valued education, they valued public safety, human services, public works operations, code enforcement, parks and recreation, waterworks, and the provision of equitable compensation for City employees, as well as investing in infrastructure and buildings. The services funded and provided by the City are critical to the health and well-being of the community in total. He indicated that establishing the balance between competing needs with finite resources required difficult decisions. When considering and adopting an operating budget, City Council worked within those constraints.

Mayor Price advised that there was information circulating that did not accurately reflect the City’s financial support to the Schools, nor did it include the City’s efforts to provide the Schools’ with the requested funding through all available funding sources. For background information, he shared that the City provides funding to the Schools to support both operating and capital needs. For FY 2020, it was recommended that the Schools receive over $110 million in operating dollars. Approximately $9 million was funded to support schools’ debt service payments associated with capital projects (this was an increase of over $700,000). The City also provided funding to the Schools through the annual Capital Improvements Plan (CIP) to fund capital projects in the amount of $11 million.

Mayor Price shared, during the Work Session held earlier (April 9, 2019), City Council received the presentation on the Superintendent’s proposed operating budget. The School Board’s proposed budget included approximately $8.7 million in new funding from the State, and requested an additional $2.4 million in operating funds from the City.

Mayor Price shared there were several options to provide additional funding to meet the Schools’ requested budget items: (1) Substituting Capital dollars for opera-
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

The School Superintendent’s budget proposed adding two new categories for funding in the Operating Budget, with cash for capital needs, such as technology and facility maintenance. The proposed funding in both categories was over $5 million. The City Council would consider the proposed FY 2020 CIP within the next month and could direct the City Manager to include an additional $2.4 million in the CIP. The $2.4 million could be transferred from some combination of one or both of the proposed new capital initiatives to meet other operating needs, such as salaries or new positions. The Schools would be receiving the additional funding in capital dollars, thereby freeing up the $2.4 million designated for capital related expenses; (2) Repurpose the year-end surplus, which was estimated at the end of February 2019 to be approximately $4 million. City Council would consider matching a percentage of that amount from capital dollars, up to the $2.4 million so that the surplus could be strategically reallocated to address one time critical school needs, such as technology, security enhancements, or other capital priorities, potentially freeing up over $5 million in the School Operating Budget that could be designated for other purposes.

Mayor Price indicated, over the years, the Schools had realized significant dollars from overfunding various categories within their Operating Budget. Those funds had been expended for other items not identified within the approved budget. By State Code, those funds should have been returned to the locality. He indicated it was time for the City and the School to work together to develop a systematic approach to utilizing those funds in a manner that would ensure the most benefit to the students and the educational system.

Mayor Price stated, the City provided funding to the Newport News Public School (NNPS), but could not, by State Code, designate how those funds were to be spent. It was up to the Newport News School Board to set priorities, and to determine how those funds were allocated.

Mayor Price reiterated that City Council supported education, and were open to further discussion, and hoped the School Board would work with City Council to support one of the aforementioned options, or some variation, that would provide additional funding as requested to benefit the NNPS (a copy of Mayor Price’s remarks area attached and made a part of these minutes).

Mayor Price opened the Public Hearing with the caveat that (1) there would be no name-calling, finger-pointing, or any behavior deemed inappropriate. Speakers included the following:

Mr. Kevin Otey, Chief Operating Officer, Hampton Roads Community Action Program, 2410 Wickham Avenue, Newport News, was available for questions only.
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Mayor Price advised if a citizen commented on the FY 2020 City Manager’s Recommended Operating Budget, and complete a card for other agenda items, they would not be allowed to address the budget a second time.

Mr. John McMillan, 43 Ridgewood Parkway, Newport News, expressed his support for the FY 2019-2020 School Board Proposed Budget. He advised that he had served two terms on the School Board and had been a member of the Newport News Education Foundation for the past 15 years. It was his hope that City Council and the School Board would come together to work to determine whether one or both of the options proposed by Mayor Price would work for the City.

Regarding the use of funds that were to go toward capital programs, for salaries, Mr. McMillan questioned who would pay, and who would come up with the money in the following year. He stated there was no guarantee that capital funds would be available in the next year but had committed to some dollar amount in salaries. He realized that City Council expected a great deal out of education, and respected the work being done. Given there were increases expected in revenue within the City, Mr. McMillan believed that all departments should share in those increases. He urged City Council to consider education as vital to the community and worthy of being a budgetary focus, and support full funding for the School Board approved budget.

Ms. Cindy Connell, 7 Wakefield Road, Newport News, advised that she was a teacher in the NNPS and her children attended NNPS. She referenced her remarks at the March 26, 2019 Regular Meeting of City Council, saying that a zero percent (0%) proposed increase to the NNPS Operating Budget sent a clear message that City Council did not value education and was not prioritizing education. Ms. Connell also referenced Councilwoman Woodbury’s closing comments that Ms. Connell’s comment was personally hurtful, and suggested that citizens who spoke should get all of the facts prior to speaking. Ms. Connell shared a short factual list of what she found hurtful: (1) Newport News ranked ninth out of ten Hampton Roads school districts in per pupil funding; (2) Funding increases for the school system since 2013 had not kept up with inflation; (3) Debt service funding did not add anything to the NNPS Operating Budget. She urged City Council to stop claiming that the City provided level funding for the schools because debt service was being increased. Ms. Connell indicated a proposed budget for the City was presented that had a 0% increase to the NNPS Operating Budget, which was unacceptable. She closed with the following words from Councilman Jenkins: “Let us use this challenge as an opportunity to not just fix the budget this year, but for years to come. Let us not make this another year where our commitment to education is questioned, but a year where we leave no doubt about the greatness of our City and our future. A year we leave no doubt about our commitment to public education, and the success of every child.” Ms. Connell indicated there was great doubt, and only City Council could fix it.
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Councilwoman Woodbury responded, clarifying her comment about doing one’s homework – questioning whether Ms. Connell was aware that as of February 2018, according to the NNPS website, the NNPS Budget showed a $4 million surplus. The Superintendent indicated that money was used for other things. Councilwoman Woodbury advised that the most important item it should be used for was teacher salaries. She advised that she was a teacher and knew the importance of being a teacher. She also advised that she had served on the Newport News School Board, and knew it was their responsibility to use the funds received from the City for the teachers and not anything else, but it was not done.

Reverend James Brown, 46 Whetstone Drive, Hampton, referenced remarks made regarding responsibility of spending by City Council and the School Board, and no one should be blamed for past occurrences. Reverend Brown recalled, in 2008, when the City Council and the School Board realized the schools were in trouble, research was done to determine what was needed in the schools. Fast-forward to 2019, Reverend Brown indicated little had been done as the high schools were falling apart, Middle Schools were falling apart, and Huntington Middle School was closed, and yet some mentioned recreation centers and places were kids could go to have fun. Reverend Brown advised that education was of most importance for today’s youth. He complimented the kids honored earlier with the Proclamation for National Youth Violence Prevention Week. He inquired about the children that did not have the opportunity, the money, or parents to show support, nor could they share in the luxuries afforded to others. Reverend Brown indicated that a community school was needed in Newport News. The City needed to be responsible, spending funds were needed, and spent on the most precious commodity – our children. He urged City Council to stop depriving the children of an education and the skills they would acquire by building a school that had advance technology. Reverend Brown indicated it would cost more to rebuild Huntington Middle School because of the request for the City to put more money in the schools, so that Newport News would not be ninth, but number one. He urged City Council to think about the children when the Operating Budget was approved. He quoted scripture (Matthew 19:14) – “Suffer the Children, and forbid them not, to come unto me: for such is the kingdom of Heaven” and (Luke 6:31) – “Do unto others as you would have them do unto you.”

Ms. Jannie Bazemore, 1004 Hampton Avenue, Newport News, indicated the school division was not asking for luxury items, but for necessities. She further indicated, over the years, the City has on many occasions, not fully funded the NNPS Operating Budget. She extended appreciation to Mayor Price’s explanations and options, but advised that teachers and other school staff, along with firefighters, police officers, and other City employees, were paid at a level where they could not meet their necessities from paycheck to paycheck. The education of the children should be a number one priority. The children are our future. The NNPS could not provide a quality education for the youth without appropriate funding. She urged the City Manager to fully fund the NNPS Operating Budget request. Ms. Bazemore advised that over
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

400 plus students had been displaced at Huntington Middle School because of funding issues and the failure of proper maintenance – different budget, but same result. The failure to fully fund the school divisions needs results in a failed school system, which was not needed or wanted in Newport News. She thanked City Council for fully funding the NNPS Operating Budget request, and thanked City Council that Huntington Middle School would rise again.

Ms. Rhonda Wagner, 107 Haviland Drive, Newport News, Newport News Public School teacher and parent, as well as President of the Newport News Education Association (NNEA), advocated for fully funding of Dr. George Parker’s (Superintendent, Newport News Public Schools) proposed NNPS budget. She indicated that it was exhausting to be an educator today, and equally exhausting to come before City Council each year, begging, pleading, and demanding that the City Council provide what was needed for the NNPS to function properly. She advised that staff were not going away, but becoming more vocal, and more organized. Educators drawing attention to the problem was not what made Newport News look bad - underfunding the schools made the City look bad. Ms. Wagner advised there was a severe deficit in NNPS and some of the NNPS employees were covering it. She questioned what City Council would do if the employees stop coming out of pocket to sustain their classrooms, or stopped working hours not required, or decided a job in education was not longer for them. She further questioned how the schools would be kept open. It was the generosity of the employees that sustained the schools, but advised the well was drying up. The average teacher in NNPS worked 55 hours of unpaid overtime per month. She inquired about the percentage of City workers that worked without pay for any timeframe. If educators could financially recoup the time that they had put in over the years, the City would be bankrupt. The children are watching, as were the parents. A parent’s number one concern is their child. School funding effected their children. They watch this fight yearly between the Schools and the City for fair pay, equitable funding, and for what the children were entitled. They need a quality education and not another parking garage. Ms. Wagner asked that City Council do the right thing and show they are cared by funding their future.

Mr. John Armstrong, 8 Buckroe Avenue, Hampton, advised that he taught in NNPS for 19 years. He encouraged members of City Council to work more with the new Superintendent, Dr. George Parker, and to support his proposed NNPS budget.

Ms. Brenda Ferguson, 1100 Elizabeth Court, Newport News, advised that she serves as a Substitute teacher in the NNPS for the past five years. She described what the children experienced, how the teachers fought to get materials and supplies, fighting to make plans, struggling on how to manage with their family, classroom, students, and arrival times. Having been in the City for the past 30 years, she questioned the budget for what the increase she had to pay in taxes to better the City of Newport News. She indicated the improvements were not seen in the classrooms. Ms. Ferguson further indicated, that something had to be done when she
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget

Continued

heard that professional teachers were walking out and away from the profession. She shared that she had a doctorate, had worked in the Shipyard for 33 years, but came back to teach as a substitute because she cared about the students, and cared about supporting the teachers who fed into the youth. She stated that City Council would create a situation if the budget request was not met and teachers continued to walk out. Ms. Ferguson urged members of City Council to do whatever they could to help the students, the families, and the teachers in Newport News. Everyone, especially the youth, were watching Newport News to see what would be done with the budget.

Ms. Shannon Adams, 17 Belles Cove Drive, Poquoson, advised that she was a NNPS teacher. She extended thanks to Councilman Jenkins for his support for NNPS students, teachers, and staff. As a former Newport News resident, she shared, in 2007, that she pulled her five-year old from the NNPS and placed him in a private school for the remainder of his kindergarten year. She was shocked and disgusted by the way her child was treated at Kiln Creek Elementary School, and moved out of Newport News and into a district that valued students more. Ms. Adams advised that her child would graduate in 2020 from a nearby district that continued to put his needs and education before everything else in the community, and a district that went above and beyond to ensure the students were well educated and well prepared for life after high school. After 16 years as a teacher in Newport News, she could not say that Newport News provided the support or valued the future of the students to the degree that the teachers and staff did. She had the honor of working with the most dedicated and passionate individuals that Newport News students could have in their corner; however, due to per-pupil spending and teacher salaries in Newport News, the City was losing both students and highly qualified teachers to other local districts. To put teacher pay in perspective, with 16 years of experience in NNPS, Ms. Adams shared that she made less pay in 2018 than 2017. With 16 years of teaching experience, she advised that she could go to one of five local school districts in Hampton Roads and make an additional $4,000 - $11,000 more per year to start. She advised, if it were only about pay raises, there would be hundreds of open positions throughout the school district. Despite what City Manager Rohlf and many members of the Newport News City Council believed, teachers were not only fighting for themselves and the two percent (2%) pay raise proposed by Dr. Parker, but were fighting for the students - the children – the future of Newport News. Sixty-seven percent (67%) of Newport News students qualified for free and reduced lunch, and came to school daily without the needed basic necessities to be successful in their classes. She advised that the teachers purchased the needed supplies, e.g. pencils, notebooks, paper, sanitizer, tissues, etc. out of pocket. Students meant more than the 0% proposed by City Manager Rohlf.

Ms. Adams shared that many students came to school suffering with trauma to which the schools were too understaffed to handle. They came to school with needs that could not be met without additional revenue to help train classroom teachers, and to obtain and maintain additional qualified ESL (English Second Language) teachers. Instead of approving Dr. Parker’s
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Proposed NNPS budget or offering a compromise, City Manager Rohlf saw no value in funding the NNPS, but proposed to fund two (2) pricey and unnecessary parking garages at the Tech Center. Additionally, Ms. Adams advised that no money had been allocated to rebuild Huntington Middle School as promised. She questioned what parking garages were more important and more necessary than the public schools.

With the projected increase in the City’s revenue for FY 2020, being 2.2% more than the FY 2019 Budget, it was time for the City Council to send a clear and strong message to the families and students in Newport News that the City was committed to helping schools and students to be successful.

Ms. Kristen Young, 301 Calvary Way, Smithfield, commented on the pending full support of Dr. Parker’s Proposed NNPS Operating Budget. She advised that she taught for 20 years in the NNPS. Her children had attended several NNPS schools, even though not residing in Newport News. The amount of local funding should not be minimized because the State had ante’d up more than in the past. The State had not funded the State Board of Education’s new Standards of Quality (SOQ). There should be proper wrap-around services associated with every school; e.g. school counselors, psychologists, nurses, social workers. She applauded authentic collaboration, and looked forward to the NNPS funded future. She shared the following quote from a Prince William County Association Member and School Counselor — “We need school counselors more than ever. We don’t want to handle the issue when it’s too late. We definitely want to make sure we are equipping students to deal with their emotions and to deal with each other at a very early age.” People are surprised to learn that Elementary School Counselors were feeling threats of self-harm and suicidal adulation. At all levels, school counselors had been dealing with it. Making sure school counselors are appropriately staffed and making sure they can spend an amount of time on direct counseling services are key to making sure kids were safe in school, and outside.

Ms. Heather Marconi, 425 Nicewood Drive, Newport News, commended on the City Manager’s zero percent (0%) funding proposal for NNPS. Responding to Councilwoman Woodbury, Ms. Marconi advised that she had done her homework. She advised that she read the minutes from the Newport News Planning Commission about the Research Park, and the Memorandum of Understanding (MOU) for the Research Park contract, and she had seen a copy of the Mater Plan. She further advised that she had contacted the City Tax Assessor’s Office and others to assist with the math (as she was an Art Teacher). Ms. Marconi shared that Newport News had signed an agreement with W.M. Jordan for ten new buildings in City Center. Eight of those buildings had plenty of surface parking space, but two of the buildings would require two parking garages. The parking garages had approximately, 1,350 spaces at about $15,000 per space, costing a little over $20 million. Ms. Marconi stated that funding infrastructure was great, but since the two buildings were speculative, the tax revenue generated needed to be able to pay...
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

for itself in a reasonable amount of time. According to the math, her kindergarten child would be 81 years old when the garages had created enough revenue to pay for themselves. The City had $20 million to invest in unnecessary parking garages that would not pay for themselves in a reasonable timeline, but not in the public schools, which paid for itself ten times over. Ms. Marconi questioned whether the two parking garages were needed. She referenced comments by Ms. Florence Kingston, Director, City’s Department of Development, who mentioned “the developers were chomping at the bit to get started.” Prior to getting the MOU, W. M. Jordan had begun working on the main road through the Research Park. Ms. Marconi further referenced remarks by Councilwoman Woodbury who rightly expressed concern for the lack of details about the project. This project was four years in the making and had already cost taxpayers $30 million. Ms. Marconi questioned why the projects took precedence over the NNPS. Historically, since 2013, the City’s General Operating Fund Budget had increased 20%. Over the same period, the City’s support for NNPS increased only five percent (5%). City Manager Rohlf told the Oyster Pointer, “the most rewarding experience is when you feel like you make a difference. We always find a way. We identify what a neighborhood needs, and put resources towards it.” Ms. Marconi urged members of City Council to use discernment when looking over the budget before voting (a copy of Ms. Marconi’s draft notes are attached and made a part of these minutes).

Mr. Samuel L. Eure, Jr., 302 Peurith Crossing, Yorktown, advised that he was a member of the Newport News Education Association. He stated both the City Council and the School Board should and have the same focus, intent and same mission and vision. Kids must be put first, not money, not politics, or special interests, but kids. He indicate that Newport News must view this in the context of a State that is heading in the right direction, with needs consistently on it. The Virginia Education Association (VEA) and its local affiliate, the Newport News Education Association (NEA) were laser focused on the state of things in Virginia. The VEA had an ongoing campaign, “Fund Our Future.” Sir Ken Robinson said, “We need to be helping our students create a future we all want to live in.” Mr. Eure stated that Virginia was the 12th wealthiest State in the United States, ranking 42nd in per pupil State funding. Virginia’s teachers were paid $9,316 less than the national average of teacher salaries. While not about pay, it should be about providing the working conditions. He stated that students to be first cannot have their schools, teachers, and school systems not also be first. Virginia’s State funding of K-12 schools had fallen nine percent (9%) when justifying inflation when student inflation across the State had risen. What is lost in the facts and figures of school funding, were the faces of hard-working educators and the young people who spent their days in their schools. Real people were being hurt by the underfunding of public schools. Mr. Eure shared the following additional statistics: (1) Newport News was the 10th largest school based on average daily membership; (2) Newport News was the 4th largest urban center in the State; (3) Other school divisions were receiving higher pay raises, but put a larger percentage of their budget into public schools; and (4) Newport News had the 2nd largest SNAP (Supplemental Nutrition Assistance Program) population.
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Ms. Terry Cox-Joseph, 607 Burcher Road, Newport News, commented on breaking ground on the former City Farm property, and creating a walking or bike path. She urged City Council to include a line item in the FY 2020 Recommended Operation Budget for this project.

Mr. Phil Harris, 13 Minton Drive, Newport News, suggested speakers pause and take a deep breath. He noticed that many speakers were getting defensive.

Mr. Harris recalled the fighting between the School Board and City Council during FY 2019 Budget negotiations, and did not think it would reoccur in FY 2020 with a new School Superintendent. He shared that he had two sons in the NNPS. Dr. George Parker, III, Superintendent, NNPS, attempted to meet with members of City Council, school staff, and residents in the community about a suggested approach for dealing with the Budget. Mr. Harris did not feel the Superintendent’s Proposed Budget was “bold” enough, only requesting a 2.2% increase, and a 2% salary increase for teachers. He tried to be respectful to the process and members of City Council. Mr. Harris was saddened to hear that Dr. Parker was unaware of the City’s revenue increase, and had to take a guess, which was a bad way to establish a budget, but came close. He believed the 2.2% requested for the NNPS was close to what was expected to be given to the NNPS.

Mr. Harris referenced the options shared by Mayor Price, and felt that option #1 was a good option, and suggested it be put in writing because there was mistrust between the two bodies. Council would vote on the budget before anyone could see the Capital Budget.

Mr. Harris advised that he left NNPS three years prior, to better care for his sons. He could not afford to remain in the NNPS and provide what his sons needed. He stated, 0% new money recommended did not sound as though education was valued.

Ms. Mary Vause, 350 Williamsburg Court, Newport News, advised that she was a Newport News resident, an NNPS graduate, a parent of a child in the NNPS, and a member of the Newport News Education Association Executive Board. She advised that she also served on Dr. Parker’s Budget Advisory Committee, alongside the NNEA President, Ms. Rhonda Wagner.

Ms. Vause advocated for full funding of the Proposed School Board Operating Budget for the approximately 29,000 served by the NNPS. She advised that 67% of the 29,000 qualified for free or reduced lunch and desperately needed more support from the City of Newport News, who had a 2.2% increase in revenue. She reminded that City Manager Rohlf proposed a zero percent (0%) increase in new funding for the NNPS children. Ms. Vause indicated it was not easy to watch the school system in which she grew up, shrink its percentage
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget
   Continued

funding for the schools year after year. She advised that she came back home to the NNPS after college to take her first teaching job. She stated she stuck with NNPS even in tough years because she loved her students, some of whom had slept on the floor because they did not have a bed, had parents with mental health problems, and parents who could not read and write. The thought that a City with this degree of need to receive a zero percent funding increase was unthinkable in her opinion. Ms. Vause also indicated that she remained with the NNPS because she loved her fellow NNPS teachers and staff.

As a parent in the NNPS seeing funding for the schools, where her children were enrolled, getting increasingly tight year after year, less discretionary funding, and more excuses, suggested City Council look beyond the excuses and do research beyond what the City Manager claimed.

In 2016, Portsmouth Public Schools began giving level funding to their schools and continued to do so. Portsmouth Public Schools was now the most underfunded school system in the region, and had to cut programs for students to fund modest salary increases. No one wanted to work there. Ms. Vause advised that Newport News should not go down the same path. Portsmouth Public Schools was in terrible decline. Our children deserved better than not keeping up with the cost of inflation.

Ms. Vause indicated that she had debunked false claims perpetrated by City Manager Rohlf on Social Media and urged citizens to check it out. She stated that City Council must unlearn what was learned, and urged them to question the information they received from the City Manager. She urged City Council to support children in Newport News.

Ms. Pam Mayo, 527 Jean Court, Newport News, advised that she was a product of the NNPS, having grown up in the Stewart Gardens community, and had taught in the NNPS for 11 years. She stated, as a teacher, she was living her dream. She served as an example for her students, sharing that she lived in poverty, but if she could do it, so could they.

Ms. Mayo expressed her support for full funding of the NNPS Proposed Operating Budget. She advised that teachers in Newport News needed extra pay. They did not feel appreciated. She had a Master’s Degree and still felt as though she lived in poverty.

Ms. Mayo, advised that children was the one thing she wanted, but she knew that she could not have children as she would not be able to afford. She could not have the family that she so desperately wanted. She advised that she loved her students so much so that she could not leave her career. The students needed her. Teachers should be taken care of as they were everything to their students – mother, father, doctor, and counselor.
E. Public Hearings Continued

1. City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Ms. Jeannine Christensen, 291 Eastwood Drive, Newport News, advised that she was not a teacher, and usually addressed City Council about Riverview Farm Park and the former City Farm property. She advised that she was mother of three in the NNPS, was a business owner and a homeowner. She shared, as a Mom, she had “Mom” friends, and each year, at least one of those “Mom” friends moved out of Newport News to York County, Poquoson, or Williamsburg. The one word that comes up in their conversation was “schools.” They moved because the reputation of the NNPS was not good. One of her children graduated from Menchville High School and was a student at Thomas Nelson Community College. Having children in the NNPS, Ms. Christensen advised that she had always had a great experience with NNPS, but the reputation was not good. She questioned the message receives throughout Hampton Roads when word got out that the Newport News Operating Budget had increased, but the NNPS did not receive an increase. She shared that the citizens that would lead the City when she was “an old lady,” were in kindergarten. She wanted to ensure that those citizens would take care of her were receiving what they needed. Ms. Christensen asked about the birthright of a child born in Newport News. She believed that birthright should be access to the natural world and a great education.

Councilwoman Cherry moved closure of the public hearing; seconded by Councilman Harris.

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

F. Consent Agenda

Councilwoman Woodbury moved adoption of the Consent Agenda, Items 1 through 3, all inclusive, as shown below; seconded by Vice Mayor Vick.

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

(No registered speakers)

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

2. Minutes of the Regular Meeting of March 26, 2019

(No registered speakers)

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

3. Resolution Requesting the Virginia Department of Transportation (VDOT)
Include City Center Boulevard Between Jefferson Avenue and Warwick
Boulevard in the City’s Street Inventory for Maintenance Payment Purposes

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT
NEWS, VIRGINIA, REQUESTING THAT THE VIRGINIA DEPARTMENT OF
TRANSPORTATION INCLUDE FOR MAINTENANCE PAYMENT PURPOSES THAT
STREET LISTED HEREIN. This resolution requested the Virginia Department of
Transportation (VDOT) include City Center Boulevard between Jefferson Avenue and Warwick
Boulevard in the City’s Street Inventory for maintenance payment purposes. VDOT provided
maintenance payments to the City for streets in the City’s inventory. VDOT’s annual roadway
maintenance payment to the City was determined by the number of lane miles in the inventory.
VDOT completed construction of City Center Boulevard in April of 2015. Addition of the new
lane miles into the City’s inventory was delayed awaiting resolution of property acquisitions by
VDOT. The City Manager recommended approval.

(No registered speakers)

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

G. Other City Council Actions

1. Item 1 of 2 – Resolution Authorizing and Directing the City Manager to
Execute a Cost Sharing Agreement By and Between the City of Newport
News, Virginia and Hampton Roads Sanitation District (HRSD)

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY
MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE
CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AGREEMENT FOR COST
SHARING BY AND BETWEEN HAMPTON ROADS SANITATION DISTRICT (“HRSD”) AND THE CITY OF NEWPORT NEWS, VIRGINIA (“CITY”), AND DATED THE 9TH DAY
OF APRIL, 2019. This resolution authorized and directed the City Manager to execute a Cost
Sharing Agreement by and between the City of Newport News, Virginia and Hampton Roads
G. Other City Council Actions Continued

1. Item 1 of 2 – Resolution Authorizing and Directing the City Manager to Execute a Cost Sharing Agreement By and Between the City of Newport News, Virginia and Hampton Roads Sanitation District (HRSD) Continued

Sanitation District (HRSD) for the Hampton Truck A & B Replacement Project along Jefferson Avenue. The Hampton Trunk A & B Replacement Project along Jefferson Avenue included the installation of 835 linear feet of 36-inch main along Jefferson Avenue from 14th Street to 16th Street and along 16th Street from Jefferson Avenue to Ridley Circle. The force main installation would be completed as part of the Jefferson Avenue Phase 2 Utility Relocation and Streetscape. Adding this work to the existing streetscape project would limit disruption and inconvenience to the public. The total cost for the force main was $825,318 and would be provided by HRSD. The City Manager recommended approval.

(No registered speakers)

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

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


A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE – HRSD ($825,318.00) TO TRUNK A & B REPLACEMENT ($825,318.00). This resolution appropriated $825,318.00 from HRSD funds for the Hampton Trunk A & B Replacement Project along Jefferson Avenue. The force man installation would be completed as part of the Jefferson Avenue Phase 2 Utility Relocation and Streetscape Project. HRSD would provide all funds for the Jefferson Avenue force main work. The City Manager recommended approval.

(No registered speakers)

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

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

None

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

Mr. James Braxton, 727 Albemarle Circle, Newport News, the Strategic Engagement Director for RISE for youth (Re-investing Supportive Environments), a Statewide nonpartisan juvenile justice reform initiative that believed prisons did not work, especially for youth. RISE advocated for the closure of juvenile prisons throughout Virginia, and challenged the State to reinvest those funds back into the impacted communities from which youth came. The group’s work began as the result of a national study conducted in 2015 by the NEKC Foundation on the justice systems in the nation. Virginia claimed its fame as one of the top five worse justice systems, leading the nation in referring students to law enforcement, top three highest recidivism rates, and spending upward of $214,000 per year, per youth, to keep them incarcerated. This discovery shed light on the alarming rate of racial and ethnic disparities that marginalized youth of color in the justice system. Thoughtful collaboration and aggressive advocacy led to the beginning of the much needed transformation for the department. Since then, RISE continued to support the DJJ transformation along with the $40 million reinvestment into the continuum of care created by the closure of Beaumont Juvenile Correction Center in 2016. Mr. Braxton advised that Virginia was moving in the right direction, but there was much work to be done. Data showed that Hampton Roads communities lead the State in the number of youth committed to secure care, with Newport News and Norfolk being the top two. As a proud native of Hampton Roads, Mr. Braxton was given a moment of opportunity to work as a Pediatric Dental Assistant, hired and trained by a retired dentist in Hampton. The opportunity showed him that he could do anything beyond all barriers. He then discovered his purpose in youth development and community outreach, which led him to serve as Area Director for the Boys and Girls Club of the Virginia Peninsula at Marshall Courts, Lassiter Courts, and Lincoln Park units for several years. He was brought home knowing the pain that families and youth experienced daily knowing the countless hours the City led and grass-roots led initiatives spent serving families and knowing it was not good enough. On behalf of RISE for Youth, Mr. Braxton offered the pledge to stand beside the City in the fight for the youth and families, advocating for all of the national and Statewide resources desperately needed. RISE pledged to assist in bridging the gap by partnering with organizations such as Sister-to-Sister, the Catalyst Effect, Mothers of Murdered Sons and Daughters, to help build capacity to serve. He shared the unique and time-sensitive opportunity the City had to access State resources that could change the trajectory of youths’ lives.

Dr. Robin Van Tine, 105 Cannon Drive, Newport News, reminded that it was springtime, the perfect time to visit the beautiful parks in Newport News. He expressed particular interest in the City’s newest Park, the former City Farm, about which the citizens showed excitement about being able to visit. It was his hope that a line-item would be added in the Capital Improvements Plan (CIP) for funds (approximately $200,000) from FY 2020 – FY 2024 to build a trail, fences around the former prison buildings and the archeological dig that should not be disturbed, to let the citizens see the new waterfront park. Adding this into the CIP would show City Council’s commitment for the land they designated as parkland.
I. Citizen Comments on Matters germane to the Business of City Council Continued

Dr. Van Tine reminded about the contest sponsored by Citizens for Riverview Farm Park - the Dream A Park Art Contest,” hosted by “The Citizens for Riverview Farm Park.” Children and could have input into designing the park. He advised that additional details were available at www.cityfarmartcontest.com, as well as www.saveriverviewfarmpark.com. The deadline for all entries was April 12, 2019, at cityfarmartcontest@gmail.com. City Council was invited 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).

Regarding the City’s FY 2020 Operating Budget, Dr. Van Tine, advised that the Department of Parks, Recreation and Tourism could use a boost in its budget. The Department did a great job with the funds they had available. He further expressed support for teachers – his wife was a retired NNPS teacher, three of his children attended NNPS, and he was a professor at Christopher Newport University (CNU). He indicated that City Council needed to support the children and the teachers in Newport News.

Mr. Antonio Thompson, P. O. Box 413, Newport News, quoted Bible scriptures 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.

Mr. Thompson advised that his focus was on the topics Treasury Enrichment and Public Safety and Security. He encouraged citizens to support the Newport News Police Foundation at www.nnnpolicefoundation.org, or (757) 234-1570. He commended Newport News Police Chief Steve Drew, doing a great job, doing the best he could to protect and serve the City of Newport News, with the help of the communities. Mr. Thompson extended thanks to Chief Drew for his continued service, sacrifice, and commitment to protect and serve the City.

Mr. Thompson extended thanks to Newport News citizens who exercised their right to bear arms in an effort to protect themselves, their families and their communities. Support of the Newport News Foundation would help create a Citizens’ Police Armed Forces. The more lawful citizens with firearms, working together, closer with the Newport News Police Department, the safer the City would become, and bring an end to crime. He suggested putting an end to all prisons and jails.

Mr. Adrian Whitcomb, 316-54th Street, Newport News, shared that he was a product of the NNPS. In the late 1950’s, 1960’s, and 1970’s there were many school built. The City had a vision of what the people needed and wanted. He reminded there was a time when the people also wanted parks. Mr. Whitcomb stated that a City was great, not because it had many shopping areas, office buildings, or subsidized parking garages, but because it improved the lives of its citizens, especially the youth. As shared in the earlier Council Work Session of April 9, 2019, in the Denbigh-Warwick Area Plan, he reiterated that there needed to be more parks closer to where the citizens resided. Citizens visited Yorktown Beach, and Fort Monroe to get near the waterfronts, when they could remain in Newport News at the City Farm to visit the waterfront.
I. Citizen Comments on Matters germane to the Business of City Council
   Continued

there. Mr. Whitcomb encouraged City Council to put more money into the CIP as a start
(approximately $250,000 for each year) for a walking trail along the waterfront in an effort to
make the City what it could be for everyone. He indicated that schools, libraries, and parks were
used by all citizens.

   Mr. Whitcomb encouraged the youth to express their opinion by participating in the
"Dream A Park Art Contest," sponsored by "The Citizens for Riverview Farm Park." He
advised that additional details were available at www.cityfarmartcontest.com, as well as
www.saveriverviewfarmpark.com. The deadline for all entries was April 12, 2019, at
cityfarmartcontest@gmail.com. City Council was invited 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).

   Mr. James Lovett, 25 Riverlands Drive, Apr. B, Newport News, advised that he
was a retired Army Veteran of 20 years. He expressed concern about the rebuilding of
Huntington Middle School – the vacant building located at 3401 Orcutt Avenue. He also
expressed concern about the timeline needed to demolish the building at 3401 Orcutt Avenue, ad
commence construction for the 21st century high tech STEM Academy. He questioned how long
the residents of the Southeast Community would have to wait for the rebuilding of Huntington
Middle School.

   Mr. Ernest Thompson, 645-19th Street, Newport News, commended City
Manager Rohlf, who was responsible for the great job in hiring Newport News Police Chief,
Steve Drew, and the Director of Libraries and Information Services, Ms. Sonia Antoine
Alcantara, and the Superintendent of Newport News Public Schools. He expressed concern, and
asked that she be given time to address the concerns of the people she hired.

   Mr. Thompson reminded that his deepest concern was Huntington Middle
School. He urged City Council to find a way to make the rebuilding of Huntington Middle School
happen sooner than later. The Southeast Community had been denied resources for many years –
always under resourced or non-resourced. He shared that the children of the Southeast
Community needed something to stimulate, invigorate, and inspire them. As Huntington High
School did for him and others, he felt there should be something in the community to do the same
for the current children. Mr. Thompson hoped that City Manager Rohlf would work her magic as
she had done thus far and bring the rebuilding of Huntington Middle School to fruition.

J. Old Business, New Business and Councilmember Comments

   Councilman Harris thanked the citizens for their attendance and participation to
shared their thoughts on the FY 2020 Recommended Operating Budget. He indicated that he
would reserve the majority of his comments on the budget for the second Budget Hearing,
scheduled for Thursday, April 11, 2019, 7:00 p.m., at the Denbigh Community Center (15198
Warwick Boulevard), and invited citizens to attend to continue and follow-up on budget discussions. He shared, since 2005, he had served as a School Counselor in the NNPS, working at Greenwood Elementary School, Lee Hall Elementary School, Newsome Park Elementary School, and Epes Elementary School. Since 2009, he advised that he was a Counselor at Denbigh High School. He was familiar with some of the needs in working with children. He shared that he was disappointed when the City Council initially received a copy of the City Manager’s FY 2020 Recommended Operating Budget at its earlier March 26, 2019 Work Session. He had since done his due diligence and met with City Manager Rohlf and Dr. George Parker, Superintendent, NNPS. Councilman Harris agreed with the citizen who made the remark that “we are back here again.” He recalled making a similar statement in 2018 that there must be a better way to come up with a budget that would suit the needs of the NNPS, and the youth, with the understanding of what could be provided to the other departments in the City. From 2009 until 2018, he worked from 7:00 a.m. – 7:00 p.m. He, like other employees, could have sought other job opportunities, but that was not where his heart lay. His heart had always been with education and with youth. It was often insinuated that City Council did not care about the youth, which was hurtful, particularly he and other colleagues that had been in the field of education. He promised that he and his colleagues on City Council would continue to have conversations and work with the City Manager to ensure what could be done moving forward to make sure the youth, teachers, and staff kept the same passion and purpose. City Council should have the same focus – education, supporting the youth, and being able to move forward for the City of Newport News. He hoped City Council could get through the Budget Process with more collaboration and a better understanding of what was needed on both sides.

Councilwoman Harris announced, the Third Annual Media Network Mixer, to be held on Wednesday, May 29, 2019, 6:00 p. m. – 9:00 p.m., at Shockwave Strength and Performance, located at 315 Chatham Drive. The event would bring small businesses together to network, and see how to better collaborate with one another. Staff from the Department of Development had been present in the past to make presentations to assist small businesses.

Councilman Harris advised that NNPS students began their fourth and final marking period on Monday, April 8, 2019. He encouraged the students to do their best, finish strong, and do what they could be on the Honor Roll through the end of the school year.

Councilman Jenkins announced there would be a Central District Town Hall Meeting, on Thursday, April 18, 2019, 7:30 p.m. – 9:00 p.m., at the Newport News Main Street Library, 110 Main Street. All citizens were encouraged to attend to share issues they felt were important in the City.

Councilman Jenkins expressed support for Dr. Parker’s FY 2019-2020 Proposed Operating Budget for the NNPS, as well as putting his budget in the City’s FY 2020 Operating Budget.
J. Old Business, New Business and Councilmember Comments Continued

Councilman Jenkins addressed the remarks made by Councilwoman Woodbury stating, as of February 2018, according to the NNPS website, the NNPS Budget showed a $4 million surplus. He stated that surplus should be used for teachers. He stated the biggest part of the surplus was from positions the schools had that had been unfilled or partially filled, during the school year. As a result, until the end of the year, the exact amount was unknown, and the NNPS could not count on that money for the next year, and certainly could not go back and give retroactive salary increases to teachers.

Regarding the CIP, Councilman Jenkins shared there had been proposals about putting $2.4 million in the CIP. He thought it was an attractive proposition, but what the City had gone through in looking at the CIP, and budget, when other projects were looked at, such as Riverview Farm Park and the rebuilding of Huntington Middle School, was that every dollar added into the CIP, cut into the City’s Operating Budget because that money was put in the form of a bond and having to pay it back for years to come. He did not think this should be done to fund the smaller items that the NNPS needed for capital improvements. He wanted to get more information.

At the earlier City Council Work Session of April 9, 2019 Councilman Jenkins advised that City Council heard from Dr. George Parker, Superintendent, NNPS; and Chief Steve Drew, NNPD; as well as Chief Jeffrey Johnson, Newport News Fire Department. Chief Drew shared that he met with City Manager Rohlf upon his arrival to Newport News. Councilman Jenkins stated that Chief Drew had tremendous leadership abilities, and was impressed with the NNPD, but stated in addition to leadership, action was needed. One of the first actions Chief Drew met with the City Manager on was adjusting the pay for police officers in Newport News. As a result, for the first time since the 1980’s, as of July 1, 2019, there would be a full Police force in Newport News. Councilman Jenkins stated, if the salaries of the NNPD could be adjusted, and fill the Department so they could effectively fight crime in Newport News, and questioned why teacher’s pay could not be adjust in Newport News to have a full component of teachers so Newport News could get the results needed in education. Councilman Jenkins agreed that there needed to be better way to come up with a budget.

Councilman Jenkins proposed that 62% of the City’s real estate tax revenue be dedicated to education in Newport News. He believed this would be an important message to send to people who live in Newport News, and were interested in buying homes in Newport News. He indicated it was a problem in the region when people with children looked at Newport News and wondered whether this would be a City that supported education and would be there for their children. He stated, it would send a strong message to share that 62% of a citizen’s tax revenue would go toward education, and would improve the real estate revenues, tax revenues, and housing appraisals. He stated the largest assed that most families had, where they had the bulk of their savings, was in home ownership. Councilman Jenkins felt it was a good day’s work to make every citizen in the City who owned a home, richer by improving the value of their home.
J. Old Business, New Business and Councilmember Comments Continued

Mayor Price advised that there would be a free Concern each Sunday in the month of April – Port Warwick Jazz on the Square. The concerts would be held from 1:00 p.m. – 5:00 p.m., in Port Warwick on the Square. He shared that he attended on Sunday, April 7, 2019. The performance was by the Matt Lockhart Band.

Mayor Price announced the Virginia Peninsula Foodbank’s Annual event, “Tastefully Yours,” would be held on Thursday, April 11, 2019, 6:00 p.m. – 9:30 p.m., at the Hampton Roads Convention Center, 1610 Coliseum Drive, Hampton.

Mayor Price announced the 10th Annual Silent Children’s Garden Opening Ceremony was scheduled for Wednesday, April 10, 2019, 6:00 p.m. – 7:00 p.m., at Boulevard Park (corner of Warwick Boulevard and J. Clyde Morris Boulevard). The event was sponsored by the Newport News Healthy Families Initiative and Parents as Teachers’ Community Advisory Board. April was National Child Abuse Prevention Month. The blue and silver pinwheel, which represented hope, health and safety for all children, is the national symbol for Child Abuse Prevention.

Mayor Price announced the 11th Annual Community Empowerment Fair, was scheduled for Saturday, April 27, 2019, 11:00 a.m. – 2:00 p.m., at Heritage High School (5800 Marshall Avenue). The event was hosted by 20 Pearls Foundation, Inc., established by the Lambda Omega Chapter of Alpha Kappa Alpha Sorority, Inc., and sponsored by Riverside Health System, Heritage High School and NNPS Family and Community Engagement Specialists.

Vice Mayor Vick also attended the Port Warwick Jazz on the Square, on Sunday, April 7, 2019. She extended thanks to Ms. Jackie Shapiro, Executive Director, Port Warwick Foundation, and Mr. Derry Haywood, Board Chairman, Port Warwick Foundation. Port Warwick Jazz on the Square was a free event, and was open to the public. There were numerous families in attendance. For further details, citizens were encouraged to visit the website, http://portwarwickjazz.com.

Vice Mayor Vick extended thanks to Chief Steve Drew, NNPD; Ms. MaRhonda Echols, the Youth, Gang and Violence Prevention Manager; the Department of Human Services; and everyone involved to help the youth in the past few years as the City focused on the prevention of youth and gang violence. She asked for City Council’s continued support as the City celebrated National Youth Violence Prevention Week, and help the youth realized that they are our future, and their opinions were valued.

Councilwoman Woodbury reminded that the FY 2010 Recommended Operating Budget for the City of Newport News, Virginia, was distributed at the March 26, 2019 Regular Meeting of City Council. She pointed out that the total adopted NNPS Budget was $304.9 million. The City Manager recommended $314.2 million, for a change of $9.3 million, or 31.1 percent. Councilwoman Woodbury indicated that it was not true that the NNPS was not funded as much as FY2019. She advised that City Council did not have the prerogative of giving the NPS teachers a salary increase, as that privilege belong to the School Board. She suggested that
J. Old Business, New Business and Councilmember Comments Continued

NNPS teachers approach the School Board, to point out that there was $6 million in surplus funds, and request that they give teachers and staff a salary increase. The School Board was authorized to provide salary increases to NNPS teachers, not City Council. Councilwoman Woodbury advised that she would give the teachers a 10% salary increase if she could, because she knew what it was like to teach, and to use personal funding for school supplies. She shared, the first year that she taught – in Virginia Beach, the lucky kindergarten teachers had 49 students and others had 50 plus students, between the hours of 8:00 a.m. – 12 noon, or 12 noon – 4:00 p.m. The teachers were instructed to work three extra days with no extra pay. She stressed that things had come a long way. She believed that teaching was the best profession in the world. She reiterated that City Council gave the School Board funding, but the School Board decided how it was allocated. Councilwoman Woodbury further advised there was a way to change this. She suggested approaching the General Assembly, advising that the Newport News City Council wanted to allocate by categories, and could then say so much be allowed for school teachers and personnel, which would allow teachers to fuss with City Council.

Councilwoman Woodbury shared that City Council received a copy of the City Manager’s FY 2020 Recommended Operating Budget at its earlier March 26, 2019 Work Session. She felt it was very important that “thinking people” to get the details first before criticizing. It was important to have all of the information to be able to speak knowledgeable. Members of City Council had not had an opportunity to review the Budget. Councilwoman Woodbury indicated to be accused of not caring about the students was quite hurtful, because City Council does. She reminded that she had served on the Newport News School Board, been a volunteer in the NNPS for as long as she could remember. She encouraged citizens to wait for all of the facts and to weigh all of the facts.

Councilwoman Woodbury thanked the citizens for their attendance and participation, and expressed her support for teacher raises. She expressed thanks to the NNPS teachers.

Councilwoman Cherry thanked the citizens for their attendance and participation, and for sharing their thoughts and ideas. She shared her belief that City Council was active and would work together to make a difference in the neighborhoods, the communities, and the City as a whole.

Councilwoman Cherry commended the Parents Against Bullying, the NNPD, and the Boys and Girls Clubs for their collaboration on the kickball game held during Spring Break 2019. It was a fun day for all – both the youth and the adults. She extended thanks to those who coordinated the event.

Councilwoman Cherry announced that the South District Your Voice Matters Town Hall Meeting, scheduled for Thursday, April 11, 2019, normally held at the Brittingham-Midtown Community Center (570 McLawhorne Drive), would be moved to the Denbigh Community Center (15198 Warwick Boulevard) for the Budget Public Hearing, 7:00 p.m.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Cherry announced that the next meeting held at the Brittingham-Midtown Community Center (570 McLawhorne Drive), would be held on Thursday, May 2, 2019, 6:00 – 7:30 p.m., rather than May 9, 2019. The topic for discussion would be traffic calming for Huntington Heights. Guests would include the City’s Department of Engineering, representatives from the Newport News Shipyard, and the Navy. She reminded than a 90-day trial was held on measures for which the residents had concerns.

Councilwoman Cherry announced that the South District Your Voice Matters Town Hall Meeting, scheduled for Thursday, April 18, 2019, would be held at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), 6:00 – 7:30 p.m.

Councilwoman Cherry announced that the Annual Free Easter Basket-Give-Away, for children ages 2 – 12, would be held on Saturday, April 20, 2019, 1:00 – 3:00 p.m., at 617-27th Street, rain or shine. Donations of baskets, gifts, and candy were welcomed. She asked that donations be taken to the City Clerk’s Office, Newport News City Hall (2400 Washington Avenue), 9th Floor.

K. Adjourn

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

THERE BEING NO FURTHER BUSINESS, ON MOTION, COUNCIL ADJOURNED AT 8:50 P.M.

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk
F. Consent Agenda

4. Minutes of the Budget Public Hearing of April 11, 2019

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: N/A

ATTACHMENTS:
Description
Minutes of the Budget Public Hearing of April 11, 2019
MINUTES OF BUDGET PUBLIC HEARING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE DENBIGH COMMUNITY CENTER
15198 Warwick Boulevard
April 11, 2019
7:00 P.M.

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

ABSENT: Tina L. Vick; Dr. Patricia P. Woodbury

I. Call to Order

Mayor Price called the meeting to order and welcomed the citizens to the Budget Public Hearing. He advised that the only item on the agenda was the Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget.

II. Public Hearing for the City Manager’s Fiscal Year 2020 Recommended Operating Budget

Mayor Price advised that this was the second public hearing that City Council was conducting on the City Manager’s Fiscal Year 2020 Recommended Operating Budget. He indicated, by State Code, each locality was required to hold one public hearing, but due to the unique geography of the City of Newport News, two public hearings were held for the ease and benefit of the citizens. This ensured that City Council heard from all citizens on their budget issues. Mayor Price reminded that the City Manager had presented her FY 2020 Recommended Operating Budget to City Council on March 26, 2019. Two Work Sessions had been held to hear detailed presentations on the Recommended Budget. He advised, on Tuesday, April 23, 2019, City Council would hold a third Budget Work Session to discuss the comments, suggestions, and recommendations received from the public, and communicate its desires and concerns to the City Manager. He further advised, on Tuesday, May 14, 2019, City Council planned to adopt the total City’s Operating Budget for all annual operating funds, including Newport News Public Schools (NNPS) Operating Budget. By State Code, the last legal date to adopt the NNPS budget was May 15 of each year, and June 15, 2019, for the City Manager’s Operating Budget. He advised that the Budget Hearing would be carried live on the City’s Cable Channel, Cox 48; and Verizon Cable Channel 19; as well as the City’s website “www.nnva.gov.” The City Manager’s proposed FY 2020 Operating Budget could be viewed online at www.nnva.gov, and in the local public library.

MOTION MADE BY COUNCILWOMAN CHERRY; SECONDED BY COUNCILMAN HARRIS; AND CARRIED UNANIMOUSLY TO EXCUSE VICE MAYOR VICK COUNCILWOMAN WOODBURY FROM THIS MEETING.
II. Public Hearing for the City Manager’s Fiscal Year 2020 Recommended Operating Budget Continued

Mayor Price opened the Public Hearing. Speakers included the following:

a. Public Comments to City Council

Mr. Jason Young, Executive Director of Community Brain Injury Services, 12725 McManus Boulevard, Suite 2E, Newport News, thanked City Council for continued and ongoing support of The Denbigh House through Community Support Agency Grant funding (a copy of Mr. Young’s remarks are attached and made a part of these minutes). He advised that Community Brain Injury Services was one of the nine stated funded “safety net” brain injury service providers in operation around the Commonwealth, and was the designated safety net service provider for the Peninsula. As the designated safety net provider, they served anyone who walked through their doors regardless of the ability to pay for service. Due to the chronically underfunded nature of State funding for brain injury services, the funding had a mandate to engage local communities for support to more fully serve persons with brain injury within the service area. The City’s continued support was essential for their ability to fulfill the mandate, but was also critical in allowing them to efficiently and effectively serve Newport News residents with brain injury.

Mr. Young advised that the highly individualized services of the Denbigh House helped survivors and their families continue to live in the community with maximum independence, proper supports, and helped those individuals manage and live with lifelong disability resulting from a brain injury. Services were provided as long as the survivor needed and requested them, which for many, was for an extended and often ongoing period of time.

Mr. Young shared that The Denbigh House was able to provide 1,267 days of intensive services to Newport News citizens with brain injury in 2018. Of the 77 individuals served through the Denbigh House, 55% were Newport News residents. He announced that Community Brain Injury Services were able to offer long-term case management services to survivors of brain injury, which they had advocated for since opening in 2005. In 2018, thanks to additional state funding appropriated for brain injury services across the Commonwealth, Community Brain Injury Services was awarded a contract to provide case management services for the Virginia Peninsula. Mr. Young advised that the agency’s ability to serve the community was a direct result of the continued commitment of funding partners, such as the City of Newport News.

Councilwoman Cherry thanked Mr. Young for his presence, and extended thanks for all of the services provided by the Community Brain Injury Services. She was pleased to hear about the long-term case management services to survivors of brain injury as that had been a gap which needed to be closed.

Mr. Young concurred and stated that long-term case management had been a large gap in the community. He advised that Community Brain Injury Services was fortunate to receive the funding to offer long-term case management services in the community.
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

Ms. Rhonda Wagner, 107 Haviland Drive, Newport News, Newport News Public School teacher and parent, as well as President of the Newport News Education Association (NNEA), urged members of City Council to vote for fully funding of Dr. George Parker’s (Superintendent, Newport News Public Schools) proposed NNPS budget. She addressed many rumors. It was implied that the NNPS increased funding was about teacher salary increases, and that many work as hard, if not harder than teachers for less money and that teachers should stop complaining. This was a false, unprecedented, uneducated statement reminiscent of the United States Secretary of Education, Betsy DeVos. Ms. Wagner agreed that people could work just as hard as teachers, but they were not present. Many of the City’s Educational Professionals did not make a living wage, also worked equally as hard. Ms. Wagner inquired whether the City was experiencing a mass exodus of City employees from their professions, whether City employees received a 30-minute lunch, and whether they negotiated with City Council for funding on an annual basis. It had been alluded that the City should fund Job Training for parents, allowing for better jobs (translating into parents being home more frequently), which would address behavior problems in the classrooms to help teachers. Ms. Wagner stated it had been the City’s position that NNPS was presenting inaccurate and misleading slides, and that only the City’s information should be trusted, not the School Board’s. She stated City Council would be held to the same standards as other governing bodies. NNPS used documentation compiled by the State of Virginia. To suggest otherwise, alluded that the State lied, used bad evidence, or made false claims. Because NNPS requested additional money annually, and although they requested a reasonable amount for FY 2020, the City Manager recommended a zero percent increase. According to that trend, Dr. Parker should request nothing in FY 2021, NNPS would be in the negative, and end up owing the City. Ms. Wagner indicated that education cost money, particularly a quality education.

Ms. Louise Farrar, 92 Miller Road, Newport News, commented on parks, which helped keep youth out of trouble when doing fun things. She hoped the former City Farm property was high on City Council’s list. She shared that her children grew up on the Warwick River, and thanked her continually for the peaceful quietness they enjoyed. She shared that she observed a pair of eagles flying. She wanted all of the youth and the citizens to observe the same at the park on the former City Farm property.

Ms. Donna DeSarro-Raynal, 201 Hurley Avenue, Newport News, a parent of three NNPS children, extended thanks to City Manager Rohlf. Ms. DeSarro-Raynal communicated with the City Manager Rohlf Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, who responded to her questions after reading the 544-page budget. She expressed concern regarding education via construction of the Brooks Crossing office building (Brooks Crossing Innovation & Opportunity Center. The budget proposed including $348,420 for rent, for the year (lease and occupancy expenses). She advised this amounted to $29,035 per month. Ms. DeSarro-Raynal indicated the City would pay this amount to rent the first floor of the building for community workforce development and STEM opportunities when a middle school had been shut down for children in school. She stated that was a great deal of money for rent at the expense of other things, specifically schools, and the teachers. Regarding the programs that
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

would occur in the building, she questioned the number of individuals to be served. She further indicated it would have to be a large number of people to justify $29,035 per month, instead of investing directly in the NNPS, particularly Huntington Middle School. Ms. DeSarro-Raynal advised that she was present at the April 9, 2019 Regular Meeting of City Council and attended the 2018 Budget Public Hearing. She indicated that she was embarrassed for the City of Newport News when the teachers had to beg for a cost of living raise. She was dismayed by City Council’s demeanor, discord, and the tension — except Councilman Jenkins. Ms. DeSarro-Raynal questioned why City Council casted blame — this was not leadership.

Ms. Frederica Hill 121 Grove Heights Avenue, Williamsburg, advised that she was Treasurer of the Newport News Education Association, and an Instructional Assistant making less than $30,000 per year, struggling to make ends meet. She worked a part-time job to be able to pay medical bills. She asked that City Council consider Dr. Parker’s Proposed FY2020 NNPS Operating Budget. She indicated it made no sense to construct a parking garage over the teachers, and it made no sense that the custodians and cafeteria workers were not being paid the money they needed or deserved. She asked that City Council re-think the budget and give NNPS the amount requested because people would not re-elect them if they did not help the NNPS.

Mr. Garry Hunter, 2313 Roanoke Avenue, Newport News, a member of Virginia Organizing. He expressed thanks for the funds budgeted for transportation. He advised that he would like to see better oversight of HRT, on which he depended as a disabled veteran, five times each week to get to the Veterans Hospital in Hampton was a travesty. He indicated that travelling from Newport News to the Hampton bus station, to make an appointment in a timely manner, was next to impossible. Several times, he ended up calling for a taxicab. Missed appointments often times called for an eight-month wait. He reiterated that City Council did a good job in providing the funds, but wanted to ensure that veterans and handicapped individuals were able to meet their timely appointments via HRT. Mr. Hunter volunteered to work with anyone in any way to get it done. He stated he served, and wanted to be served, as tax money was at stake.

Ms. Jayne DiVincenzo, 302 Park Place, Newport News, advised that she was President of Lionsbridge Financial Advisors, Vice Chairman of the Newport News Education Association, and served on other Council-appointed boards. She shared that she loved the City of Newport News and had a vested interest in the City and its success. She was also a NNPS student, having attended B. C. Charles Elementary School, and Menchville High School. She left the area for college, but could not resist returning to Newport News. She indicated that she built a successful business, but was saddened that City Council did not realize that schools were the cornerstone and magnet of attraction for employees, to her business, to real estate agents, to property values, advising if there were rock star schools, there would be a rock star economy. She expressed concern that the NNPS was given a one-day notice about their budget. As a financial planner, doing vision planning for individuals, Ms. DiVincenzo indicated that the City needed to dream big and envisioning how big and spectacular the City on the sea could be, which meant putting ones money where ones values were, which says what is important. She wanted Newport
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

News to be the envy of York County. People think York County Schools are better, which was false. Newport News had great schools. Ms. DiVincenzo presented a 30-year study, which showed that 15,000 students studied, born between 1955 and 1985. The common denominator - schools – the more money spent on schools, the better the City; e.g., lower poverty; a 20% increase in per pupil spending could lead to an additional year of completed education, 25% higher earnings (a copy of the study from the National Bureau of Economic Research is attached and made a part of these minutes). She asked that City Council pay attention to data, put their money where their mouth is, plan for school budgets in advance, and respect the NNPS.

Mr. Phil Harris, 13 Minton Drive, Newport News, indicated that he continued to hear that there was a problem with the data shared and shown. He referenced the breakdown of the one dollar bill, and advised the way it looked for the NNPS was sad. In 2014, it showed $0.27 cents on a dollar to the NNPS; in 2016, the diagram would have depicted $0.26 cents on a dollar to the NNPS; in 2018, the diagram would have depicted $0.25 cents on a dollar to the NNPS; and in 2020, the diagram would have depicted $0.24 cents on a dollar to education. Mr. Harris observed the frustration from Council members, with Mayor Price advising that he valued education and hated hearing that he did not value education, and did not want to doubt the Mayor’s words, but noticed the published the amount given to education from the tax dollars taken, continued to drop. Mr. Harris indicated it was scary to think that every two years, the amount given to schools would drop to one cent out of new money. He referenced from the City Manager’s Recommended FY 2020 Operating Budget, there had been two percent (2.2%) more revenue predicted, or $10,728,000. With regard to flat funding for the NNPS, but it was disingenuous. If the City had given 24.6% of the new money expected, which was the amount given in FY 2019, there would still be a decrease in funds, but would have been $2,639,000.88. Mr. Harris indicated had City Council reviewed the budget presented by NNPS, it was less than if the City had given NNPS the same percentage in FY 2020 of the budget given in FY 2019. He stated that NNPS did not request over and above what was expected, but asked for a fair share for the children, for the community, for the 4,000 employees, the 30,000 students, and the thousands of families represented. Mr. Harris referenced an option suggested on how to fund the NNPS, with the burden put on the NNPS to either take the money out of the FY2020 budget and give it to FY 2021, or take it from the CIP. He asked City Council to consider the CIP, as the City could consider how to fund the fire stations or the replacement or the 911 telephone system, and considering funding out of the CIP, leaving enough money to provide to the NNPS Operating Budget.

Ms. J. E. Johusru, 954-11th Street, Newport News, extended thanks for allowing public input into the City Manager’s Recommended FY 2020 Operating Budget. She represented Virginia Organizing, Inc., a non-profit, statewide, non-partisan organization with 16 chapters in the State of Virginia, which challenged injustice by empowering people to address issue that affect the quality of their lives. During the Fall 2018 meeting of Virginia Organizing, the discussion focused on the numerous citizens that rode HRT buses, which was not the most convenient mode of transportation to and from work, as well as other locations. It was discussed
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

that the City of Newport News provided $17.1 million into public transportation, Hampton Roads Transit (HRT) and in FY 2020, would provide $17.3 million in public transportation. She indicated that meant that citizens were subsidizing public transportation. Virginia Organizing felt that the public transportation system was not as efficient or effective as it should be. With $17.3 million going to HRT, it was discussed that there would be 3,000 hours less of service, which was unconscionable. A great deal of work was needed around public transportation as HRT ran the same bus routes that were run when Pentran was the operator for the Peninsula. Hampton Roads has grown as a community and a Peninsula, and it seems as though HRT could do better. HRT conducted an on-line survey of bus-riding citizens, but did not advertise the survey. She advised that citizens had not had an opportunity to provide adequate input on how HRT ran its business in the community. As an aging Senior citizen, Ms. Johusru advised to go from her home to HRT, she would be required to change buses three (3) times, and arrive an hour later, and would have to walk ½ mile to the bus stop. To get to the Hampton Coliseum via bus, it would take 1 hour and 23 minutes. This was not good service. There should be a logical way to get citizens from their community to the bus line, which did not occur. On behalf of Virginia Organizing, Ms. Johusru encourage members of City Council to look at the money spent on public transportation and review the services provided, which they felt was inadequate.

Ms. Tanisha Facey, advised that she was a product of NNPS, and taught Special Education for NNPS. She encouraged City Council to vote in favor of full funding for Dr. Parker’s the Proposed FY 2020 NNPS Operating Budget. She advise that she had worked for NNPS for 10 years and had observed the funds decline, and the staff work harder to compensate for the lost funds. She shared, ten years prior, every school had a school-based substitute teacher to help cover classes. The NNPS once employed both cafeteria and bus monitors, but those positions no longer existed. When an Instructional Assistant was absent, unless the class was self-contained, there was no one to cover the position for that day to help service the students. There were many full-time positions for many necessary jobs throughout the school district, including testing coordinators, which was required, the position was abolished and a full-time teacher must take on the supplemental position, which pays $5,400 per year, and replaced a $40,000 job. She stated the workload was not compensatory to $5,400. Every year, employees were expected to take on more duties to cover the positions that NNPS could no longer afford. Required duties were piecemealed out, and the employees expected to absorb the work. One job position was equivalent to three other positions. There was not enough time in the day to do what was expected or asked, and the students could not be provided with what they needed, resulting in less one-on-one time with students, missed opportunities, and declining test scores. Ms. Facey asked that City Council consider fully funding the NNPS requested Operating Budget, and help NNPS provide funds to cover all of the NNPS students.

Ms. Kim Smith, 103 King Forest Lane, Newport News, advised that she was a High School English Teacher, with three children in NNPS, read the following poem entitled, Cause I Ain’t Got a Pencil by Mr. Joshua T. Dickenson: “I woke myself up, Because we ain’t got an alarm clock; Dug in the dirty clothes basket, Cause ain’t nobody washed my uniform. Brushed by hair and teeth in the dark, Cause the lights ain’t on; Even got my baby sister ready, Cause my
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

mama wasn’t home. Got us both to school on time, To eat us a good breakfast. Then when I got to class the teacher fussed Cause I ain’t got a pencil.” She advised that she give approximately two dozen pencils away daily, with most not being returned. She purchased pencils because her students should not be afraid to ask for what they need. Ms. Smith figured if the students could not ask for a pencil, they would not ask for help on homework, advice on a breakup, or help with a family emergency. Pencils were $3.00 for one dozen, and she spent $30.00 per week for the pencils she gave away, or in 36 weeks, $1,080, with most coming out of the teacher’s pockets. The students were people, and they were worth it. She urged City Council to fully fund the NNPS Budget request.

Ms. Leslie Outlaw, 400 Goose Circle, Apt. F, Newport News, advised that she was a bus driver for the NNPS. She stated what bus drivers faced on a daily basis was horrendous. She shared that some drivers started as early as 5:30 a.m., and get off at 11:00 p.m. to make ends meet. They took students on field trips on Saturday, some take students to Smithfield, Chesapeake, Virginia Beach, Williamsburg, and Fox Hill. Ms. Outlaw indicated that bus driver’s deserved salary increases. She shared that she personally was threatened by four parents at a bus stop, and was removed from her route as a result. Nothing happened to the parents that threatened her. Bus drivers could not break up fights on the buses, which was a daily occurrence. Drivers took students to football practice, track practice, cheerleading practice, to and from football games. Bus drivers were the first person children saw in the mornings, and the last person they saw in the evenings. Ms. Outlaw shared that she was 40-years old, made $22,000 per year, which would not buy a house. She acknowledged special needs drivers who were also present, who drove in all types of weather, with all types of medical equipment to assist the students. She invited members of City Council to ride with a bus driver on their run to observe what bus drivers experienced. She asked City Council to take bus drivers into consideration by fully funding the NNPS Budget request.

Ms. Mary Vause, 350 Williamsburg Court, Newport News, advised that she was a Newport News resident, an NNPS gradate, a parent of a child in the NNPS, a member of the Newport News Education Association (NNEA) Executive Board, as well a member of NNPS Superintendent Dr. George Parker’s Budget Advisory Committee. She advised that the NNEA issued a Press Release approved by the Virginia Education Association entitled, “NNEA Calls for Full Funding of Superintendent’s Budget,” with the subtitle, “NNEA Rejects City Manager’s Proposals as Not a Solution” (a copy is attached a made a part of these minutes). Ms. Vause indicated, on the back, was a fact sheet that told exactly why stealing from the underfunded NNPS Budget to give to the Underfunded NNPS Operating Budget was fiscally irresponsible and unfair to the children; as well as why stealing from limited difficult-to-predict end-of-year surplus funding to fund the NNPS Operating Budget was likewise fiscally irresponsible and unfair to the NNPS children who had been underfunded for too long. She advised that nothing about the City Manager’s record impressed her or convinced her that she cared about Newport News’ 29,000 public school children, 67% of whom qualified for free or reduced lunch. During her term as City Manager, and that of Jim Boury before her, the NNPS had received increasingly less percentage funding year after year. Ms. Vause advised that City Manager Rohlf had continued former City
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

Manager Jim Bourey’s legacy of underfunding the NNPS. When new revenue came in, since 2013, that could have gone to the NNPS, instead, City Manager Jim Bourey first, and City Manager Rohlf next, instead moved those funds to development projects, such as Tech Center, which was not fair to the children. NNPS children deserved that funding. Ms. Vause advised that City Manager Bourey accomplished this by sowing discord between City Council and the School Board, suggesting that the School Board could not be trusted and had strange budgeting practices, was always asking for too much money, and was probably hiding money, which made it easy to rubberstamp his budget. This practice steadily decreased percentage funding for NNPS since 2013. In 2017, when City Manager was forced to resign, City Council selected Assistant City Manager Cindy Rohlf as his replacement, and she had continued his legacy of steadily shrinking percentage funding for NNPS. Ms. Vause urged City Council to question the City Manager and instruct her to fully fund the NNPS Proposed Operating Budget.

Mr. Santiel Creekmore, 101 West Rexford Drive, Newport News, indicated that he spoke on behalf of Newport News citizens, particularly the families and the seniors. He commented on public transit, reiterating comments from two seniors that the bus routes needed to be improved so that they were more efficient and would provide senior citizens with dignity and respect as they used the public transit system. He advised that public transit was critical to the health of the City and future. Seniors should be safe as they walked 1/2 mile to bus stops, which was not encouraging. He encouraged City Council to endorse more studies be done to improve the public transportation system.

On behalf of the educators, Mr. Creekmore advised the educators were the key to the City’s future. Newport News would not be in the state it was, if the attrition rate with the educators was reviewed. In a world of fake news, and the recurrence of measles because people did not understand the basics about vaccines, or there was violence over something read over the internet. He urged City Council to think about what was valued in education. Teachers were the first line of defense against harm to the children, whether their mental stability or their personal body. He encouraged members of City Council to look at alternatives to not funding infrastructure and salary increases, such as a modest rate increase. The City of the Future was important to all, and urged them to consider a modest salary increase.

Mr. Adrian Whitcomb, 316-54th Street, Newport News advised when he was in school in the 1950s and 1960s, there was a building spree. In the 1950s, there were eight school buildings constructed. In the 1960s, there were fourteen school buildings constructed. In the 1970s, there were seven school buildings constructed. He inquired where the money came from back then, and questioned why it was difficult to find the money now. The budget was related to the CIP in that eventually, everything would have to be paid for by the Budget – Schools, Parks, etc. He urged City Council to invest in the people of the City, particularly the youth. Mr. Whitcomb referenced an Editorial in the Daily Press about an accounting of the money the City put into the Tech Center, and perhaps City Center, because that was where much of the money had gone. Investing long-term called for an accounting of when the long-term return would be received. He indicated if the children were sacrificed, the City would lose many of the citizens,
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

and the youth would be deprived of what they deserved, as far as education, recreation, and a better quality of life.

Ms. Heather Marconi, 425 Nicewood Drive, Newport News, reminded of her remarks at the April 9, 2019 Regular Meeting of City Council regarding the waste of taxpayer money going towards parking garages, and the fact that they did not pay for themselves, and that this was money that could be going to NNPS. She had heard Council members make comments that NNPS should not get the money if some schools did not meet accreditation. She questioned that giving less money was the argument to make the schools better. She advised City Council that their job was to fund the schools properly, and she urged them to do so.

Councilman Harris thanked the citizens for their attendance and participation and voicing their concerns, and making comments as City Council went through the budget process. For the past few meetings, he reiterated there must be a better way to go through the process without the back and forth dialogue that had been on display for the past two years. He reminded that the back and forth dialogue between the City Council and the NNPS did not make the City look good. There would be continued discussions between City Council and the School Board members. He promised to have conversations and seek what would be in the City’s best interest to have the NNPS sufficiently funded along with other resources provided by the City. He stated the process was not over and encouraged citizens to continue to advocate and speak up. There were numerous topics discussed. He hoped that citizens would continue to share their thoughts on how funds should be appropriated. City Council would continue to listen. As a counselor, he was aware of what the employees went through. His first job was a school based substitute teacher, and he held various other jobs in the NNPS, which was a priority, but he still had to do his due diligence as a member of City Council. He felt more could be done for the NNPS and to make it a priority moving forward.

Councilman Jenkins shared that he was invited to Jefferson Laboratory (J-Lab) and sat it on a round-table discussion, hosted by the Virginia Peninsula Chamber of Commerce, talking about marketing Jefferson Lab and remain competitive for the Ion Collider – important new technology for the State of Virginia. He shared that J-Lab was competing with Brookhaven in New York. One topic raised was about the NNPS. When you have a large number of nuclear physicists, they wanted to be where there were good schools. He shared that he attended a Gala in Richmond, sponsored by the Sorenson Institute, and was with leaders from all across the State – Republicans, Democrats and people of different political parties, as well as State Delegates, and they spoke about schools in Newport News, and why the City Council and the School Board could not get this right. Schools was not just a local issue. What City Council decides to do with the NNPS Budget would have major consequences for the future of the City. Councilman Jenkins advised that the City needed to fund its schools, put in place a reasonable revenue sharing program. The City had great leadership in the NNPS. He expressed his support for Dr. George Parker, and believed he should be given the resources needed to improve NNPS and to hold him accountable, which was City Council’s mission. He stated this situation would get worse until the City Council – the City leaders, made a conscious effort to make it better.
II. Public Hearing for the City Manager’s Fiscal Year 2019 Recommended Operating Budget Continued

a. Public Comments to City Council Continued

Councilwoman Cherry thanked the citizens for their attendance and participation and voicing their concerns, particularly Mr. Hunter, and Ms. Johnsru for speaking up about HRT. City Council was aware of the issues with regard to HRT’s efficiency and were working to manage the situation.

Councilwoman Scott thanked the citizens for their attendance and participation and voicing their concerns. She had hoped more citizens would be present to show support for having meetings in the North District. She advised that City Council heard their concerns. She further indicated that she was pro-education, as her son and granddaughters were raised in the NNPS, and she saw the value in funding the NNPS budget. She believed as City Council continued to speak with the School Board, a solution would be found that would be of benefit for all NNPS teachers and staff. She asked that the citizens be patient as they worked through the process. She further advised that she had spoken in length with Dr. Parker, and was sure everyone had the best interest at heart. She looked forward to continued dialogue and a positive outcome. Councilwoman Scott promised to speak with Mr. Hunter about his HRT concerns following the meeting. There had been a great deal of dialogue about how HRT spent the City’s investment. She stated that the Council would continue to be good stewards of the City’s dollars.

b. A Request for a Motion of City Council to Close the Public Hearing

Councilwoman Cherry moved closure of the public hearing; seconded by Councilman Harris.

Mayor Price, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agenda of April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 11, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds for organizations, including the Hampton Roads Planning District Commission (HRPDC), and such Operating Budget includes charitable contributions to various organizations; (iii) that he represented Newport News on the board of directors of HRCAP, for which he received no or minimal remuneration, well below the Conflict of Interest Act threshold; (iv) that he was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – April 9, 2019; and is attached and made a part of these minutes).
Councilman Marcellus L. Harris, III, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agenda of April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 11, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds to pay the salaries of persons employed by the Newport News School Board, which was a group of three or more persons the members of which were affected by the transaction; (iii) that he was employed as a Counselor for the Newport News School Board; (iv) that he was on the board of directors of Hampton Roads Community Action Program (HRCAP), which was a charitable organization providing services to Newport News residents, for which he received no remuneration, and which would be a recipient of monies designated to it in the City Operating Budget for FY 2020; (v) that his wife was on the board of directors for the Peninsula Agency on Aging, which was a charitable organization and for which she received no remuneration, and which would be a recipient of monies designated to it in the City Operating Budget for FY 2020; and (vi) that he was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – April 9, 2019; and is attached and made a part of these minutes).

Councilman David H. Jenkins, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agenda of April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 11, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in part, funds for organizations, including the Hampton Roads Community Action Program (HRCAP) and Hampton Roads Planning District Commission (HRPDC), and such Operating Budget includes charitable contributions to various organizations, including the Peninsula Agency on Aging; (iii) that he represented Newport News on the board of Directors of HRCAP, for which he received no or minimal remuneration, well below the Conflict of Interest Act threshold; (iv) that he was an alternate representing Newport News on the board of directors of HRPDC, for which he received no or minimal remuneration; (v) that he served on the Advisory Council for the Peninsula Agency on Aging, for which he received no remuneration; and (vi) that he was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – April 9, 2019; and is attached and made a part of these minutes).

Councilwoman Scott, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. She declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agenda of April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 11, 2019, and for action at the City Council Agenda
b. A Request for a Motion of City Council to Close the Public Hearing Continued

of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds for charitable organization, including the Transportation District Commission of Hampton Roads, also known as Hampton Roads Transit (HRT), and such Operating Budget includes charitable contributions to various organizations; (iii) that she was an alternate representing Newport News on the board of directors of HRT, for which she received no remuneration; and (iv) that she was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – April 9, 2019; and is attached and made a part of these minutes).

Councilwoman Woodbury, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. She declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agenda of April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 11, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction) (ii) the said Operating Budget includes, in small part, funds for organizations, including the Transportation District Commission of Hampton Roads, also known as Hampton Roads Transit (HRT), and such Operating Budget includes charitable contributions to various organizations; (iii) that she represented Newport News on the board of directors of HRT, for which she received no remuneration; and (iv) that she was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – April 9, 2019; and is attached and made a part of these minutes).

Councilwoman Cherry, a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. She declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the City Council Work Session Agenda of April 9, 2019 and April 23, 2019, for Public Hearings on April 9, 2019 and April 11, 2019, and for action at the City Council Agenda of May 14, 2019 (i) the City Manager recommended to the Newport News City Council adoption of a City Operating Budget for FY 2020 (the transaction); (ii) the said Operating Budget includes, in small part, funds for charitable organizations; (iii) that she was on the board of directors of Community Free Clinic, for which she had received no remuneration; and (iv) that she was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – April 9, 2019; and is attached and made a part of these minutes).

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Cherry
Nays: None
b. A Request for a Motion of City Council to Close the Public Hearing Continued

Mayor Price reminded there would be a City Council Work Session on Tuesday, April 23, 2019, at which time City Council would have an opportunity to respond and reflect on comments heard at the public hearings, and deliberate among themselves as to what changes, if any, would be made to the City’s Recommended FY 2020 Operating Budget. A motion would be entertained at the Regular Meeting of City Council scheduled for May 14, 2019 to adopt the City’s FY 2020 Recommended Operating Budget for all annual operating funds, including the Schools Division, as scheduled.

III. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:02 P.M.

Mabel Washington Jenkins
Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, tested:
G. Other City Council Actions

1. Resolution Supporting the Department of Waterworks' Application to the Virginia Department of Health (VDH) for the Lead Service Line Replacement Program Grant

**ACTION:** A REQUEST TO APPROVE A RESOLUTION SUPPORTING THE DEPARTMENT OF WATERWORKS' APPLICATION TO THE VIRGINIA DEPARTMENT OF HEALTH (VDH) IN FUNDING THE REPLACEMENT OF GALVANIZED IRON/LEAD WATER SERVICE LINES FROM THE WATER METER TO THE HOMEOWNER.

**BACKGROUND:**
- VDH provides grant funds for homeowners with galvanized iron water service lines to apply for assistance in replacing the lines from the water meter to the home.
- The service line shall be replaced by a licensed plumber under a plumbing permit in accordance with Grant requirements.
- Waterworks staff will replace any galvanized iron and/or lead goosenecks (short 2-foot pipe) from the public water main to the water meter. This work will be accomplished under existing Waterworks programs.
- Replacement of galvanized iron/lead lines is a health and safety issue that needs to be resolved. Some homeowners, in older neighborhoods, may still have galvanized iron/lead water service lines to their homes.

**FISCAL IMPACT:**
- The grant is 100% funded, with no City match required.
- The City Manager recommends approval.

**ATTACHMENTS:**
Description
Memo to HCC re Lead Service Line Replacement Program Grant Funding Application 4.17.19
G1 - Grant Application Attachment
rag1742 Supporting an Application to the VA Dept of Health
CITY OF NEWPORT NEWS  
Office of the City Manager  

April 17, 2019

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Lead Service Line Replacement Program Grant Funding Application

The request is to issue a Resolution expressing support for the Department of Waterworks’ application for the Lead Service Line Replacement Program Grant from the Virginia Department of Health (VDH).

The grant is for $500,000 to assist homeowners in replacing galvanized iron/lead water service lines. Waterworks staff will be replacing a limited number of identified galvanized iron/lead goosenecks. Where they find existence of galvanized iron service lines from the water meter to the home, the homeowners will be offered the opportunity to have the old lines replaced by plumbing contractors under the grant program.

This is voluntary work to "get the lead out". No lead concentration exceedances have been reported from regulatory analyses and tests of the Waterworks water distribution system. Waterworks is being proactive in assisting customers and striving to surpass regulatory requirements.

I recommend approval.

Cynthia D. Rohlf

CDR:LM:smth
Attachment

cc: Louis B. Martinez, Director, Department of Waterworks
March 29, 2019

Mr. Steve Pellei, P.E.
Division Director
Virginia Department of Health,
Office of Drinking Water
James Madison Building
109 Governor Street, 6th Floor
Richmond, Virginia 23219

Dear Mr. Pellei:

Re: Lead Service Line Replacement Program Grant Funding Application

Enclosed are two completed and signed copies of the above referenced application plus a CD with same.

If you have any questions or comments, please contact:

Mr. Robert “Bob” E. Cosby, III, P.E.
(757) 926-1072
rcosby@nnva.gov

or me at (757) 926-1146 or via e-mail at lmartinez@nnva.gov.

Sincerely,

Louis Martinez
Director

LM/sjth

Enclosures
APPLICATION FOR CONSTRUCTION FUNDS

APPLICATION FOR CONSTRUCTION FUNDS

Application also available at: http://www.vdh.virginia.gov/odw/financial/dwfundingprogramdetails.htm

Year-Round Submittals Accepted

Applicants are advised to schedule the required Preliminary Engineering Conference with the appropriate ODW Field Office prior to March 1st.

PRE-REQUIREMENTS FOR FUNDING

If you answer YES to either of these questions; STOP as you are not eligible to apply for funds.

1. Have you been debarred or suspended from applying for state or federal funds? □ Yes □ No.
2. Is your waterworks state, federally, or tribally owned? □ Yes □ No.

PRE-REQUIREMENTS FOR CONSTRUCTION APPLICATIONS

If you answer NO to any of these questions; STOP as you are not ready to apply for construction funds.

Please contact us to work with you on planning the project.

1. Are you either a community or non-profit noncommunity waterworks? (or will become one?) □ Yes □ No.
2. Have you had a Preliminary Engineering Conference (PEC) with ODW’s Field Office? □ Yes □ No.
3. Source –
   Do you have an adequate drinking water source or source agreement contract? □ Yes □ No.
   If yes, please provide documentation from ODW’s Field Office that the source or contract is adequate.
   □ Not Applicable-project is for new well, or I am filing for a consecutive waterworks.
4. User Agreements for new service area customers - □ Not Applicable
   Do you have executed agreements or commitments from your initial survey from a majority of customers in the project area? □ Yes □ No.
   If yes, please provide an area map indicating existing potential connections and indicating those committed.
   NOTE: Mandatory hook-up ordinance does not substitute for obtaining agreements or commitments to connect.
5. Davis-Bacon Wage Act and American Iron and Steel requirements will apply. I can comply with these requirements. □ Yes □ No.
6. The earliest we expect DWSRF funds to become available is the first quarter of next year. Will this meet your needs? □ Yes □ No.
7. Do you currently or will you have less than three open DWSRF projects by July 1, 2019 (prior to the next awards)? □ Yes □ No.
8. Do you have a current Asset Management Plan or Capital Improvement Plan or is a request included in this application? □ Yes □ No.

SHARING APPLICATION INFORMATION

Application information will be posted to the VDH website as part of a public comment period. Any information provided as part of this application is subject to Freedom of Information Act requests. Confidential or proprietary information should be retained by the applicant.

In addition, VDH may share application information with other funding entities in an effort to facilitate funding partnerships and assisting you in seeking other funding opportunities. Your selection of “Yes” or “No” will not impact the prioritization of your project.

Do you have any objections to sharing this information with other funding entities? □ Yes, I object. □ No, no objections.
SECTION A - PROJECT, ORGANIZATIONAL, AND CONTACT INFORMATION

1. Project Name: Private Lead Service Line Replacement - GRANT
   Location (City/County): Newport News/Hampton

2. Waterworks info:
   - Community: ☑ New
   - Nonprofit noncommunity: □
   - System Name: Newport News Waterworks
   - PWS ID number: 307305

3. Legal Owner of Waterworks or Authorized Agent:
   a. Name: Newport News Waterworks
   b. Address: 700 Town Center Drive, Suite 500
   c. Contact Person: Robert E. Cosby III
   d. Telephone Number: (757) 926-1072
   e. FAX Number: (757) 926-1167
   f. Federal DUNS #: ___________________

4. Engineering Consultant (If applicable):
   a. Firm Name: N/A
   b. Address: __________________________
   c. Preferred Contact Info:
      - Contact Person: 
      - Telephone Number: Alternate Number: 
      - E-mail Address: Alternate E-mail Address: 
      - FAX Number: 

SECTION B – APPLICATION CERTIFICATION

Submittal of this application is only a starting point for discussion and is not a binding agreement on either party.

Incomplete information may result in the delay or rejection of the application request.

The undersigned representative of the applicant certifies that the information contained herein and the attached statements and exhibits are true, correct, and complete to the best of their knowledge and belief. The undersigned agrees to clarify or supplement information pertaining to this application upon request. The undersigned recognizes that the information contained herein may be subject to state Freedom of Information Act requirements. The undersigned acknowledges that a part of any interest required on a closed loan can be used by VDH to support the drinking water program.

Owner or Chief Administrative Officer of Waterworks:

NAME and TITLE: Louis Martinez, Director
ORGANIZATION: Newport News Waterworks
SIGNATURE: __________________________ DATE: 3/29/19

Office of Drinking Water – FCAP Funding
Page 2 of 10
CONSTRUCTION
SECTION C – REQUIRED ATTACHMENTS – Please check those attached and label your attachments with corresponding numbers (i.e. C-1, C-2, etc.).

1. Other Funds Available (e.g. Letters of conditions, award letters, etc.) NOT APPLICABLE

2. Outstanding debt amount and with whom NOT APPLICABLE

3. Controlling Board Authorization or Owner’s Letter identifying Agent Authorized to make application to the DWSRF.

4. Project issue documentation.

5. Median Household Income – including site income surveys if census information not at project level.

6. VDH’s 4 page Construction Project Schedule.

7. Results of user agreement/commitment initial survey with project map. NOT APPLICABLE

8. Adequate drinking water source or source agreement contract – VDH approved. NOT APPLICABLE

9. Preliminary Engineering Conference documentation/notes or VDH-Office of Drinking Water letter/email waiving this requirement. If a Preliminary Engineering Report has been drafted for this project include a copy of that also. Any letter reports, design memos, or alternatives analysis should be included in this section. Regionalization should be considered as an option. NOT APPLICABLE

10. Explain status of necessary permits (401/404, VPDES, Groundwater withdrawal, etc.) NOT APPLICABLE

11. Current rate schedule for water connection fee for water and date of last increase.

12. Monthly average of residential water usage. Use total annual gallons billed for in-town residential customers divided by 12 months and divide by the total number of in-town residential customers.

13. Average Monthly Residential Water User Rate Analysis – using VDH project only template.

14. Listing of 10 largest water users and estimated monthly consumption per user.

15. Basis for O, M & R cost for proposed project and existing system. NOT APPLICABLE

16. One copy of the latest interim ( unaudited) financial statement.

17. One copy of the current year budget.

18. One copy each of the three most recent (within 5 years) annual audits (or Tax Returns for individuals).

19. For the proposed project – a six-year cash flow analysis of revenue – using VDH project only template- and expenses (operating budget) showing as a bottom line funds available for debt service. NOT APPLICABLE

20. For the entire waterworks including proposed project(s) – a six year cash flow analysis – using VDH overall waterworks template- of revenue and expenses (operating budget) showing as a bottom line funds available for debt service. NOT APPLICABLE

21. Supporting documentation used to determine the percent of leakage in the system. For this application, leakage is the amount of real water lost in the distribution system lines and tanks from cracks, leaks, and tank overflows divided by total water production. Should match Section G.1.f.

22. Asset Management Plan (as described in Section J).

Items 9, 16, 18 and 22 may be submitted in PDF format on a CD or thumb drive provided 2 copies are submitted.

Items 19, 20, and 21 may also be included in spreadsheet format on the CDs or thumb drives. Please make note on the application that the information is included in the attached digital material.

Item 18 – Tax Returns for individuals – if applicable, please redact or blacken all social security numbers.

Office of Drinking Water – FCAP Funding

Page 3 of 10

CONSTRUCTION
SECTION D – PROPOSED PROJECT DESCRIPTION – Provide Documentation

Please provide a brief summary and a detailed project description including a map/sketch depicting the project area and proposed facilities including length of waterlines, storage tank(s) sizes, etc. (Sketches on 8 ½ by 11 portions of topo sheets are adequate.)

I. Brief Summary – 3 sentences or less for each A, B, and C.

A. Briefly describe the public health issue, concern, or problem that this project intends to correct or address. This can include resiliency, redundancy, reliability, climate change, or green project related issues. Attach supporting info as necessary.
   Removal of lead pipe from water services between the water main and the residence. Removal of Lead pipe and galvanized iron pipe which has been in contact with Lead pipe as part of the water service.

B. Briefly describe the proposed project scope of work by size (e.g. diameter, volume, pump capacity) and units (e.g. linear feet for pipe and number for tanks and pump stations).
   Removal of Private portion of Lead Services by the Property Owner to complete the Removal of Lead Services. The Utility has already removed the Public portion of the service from the water main to the water meter. This public portion contained a portion of lead pipe and galvanized iron pipe as a part of the service. The Private portion contains either Lead pipe or galvanized iron pipe. The public side is working through ongoing programs to upgrade the distribution system with a prioritization on removing lead services is anticipating removal of up to 500 Partial Lead Service Line Removals per year. Currently records indicate between 2,800 and 3,200 Partial Lead service lines exist within the Distribution System.

C. Briefly quantify the benefits expected to be realized (or problems corrected) upon successful completion of the project.
   Elimination of the Lead pipe and galvanized iron pipe which has been in contact with the lead pipe from the services fully replaced.

II. Demographics

A. Describe income levels in the proposed project area.
   Project is located in the City of Hampton and the City of Newport News. Both Cities have similar median household income levels. Based on the 2017 census bureau estimates the median household income as $49,815 in Hampton and $51,082 in Newport News.

B. Describe the community that benefits from the proposed project.
   City of Hampton and City of Newport News are both older urban communities. Both are served by large industrial and military populations with the largest employer being Newport News Shipbuilding. This grant funding will support older homes in the community that had utilized lead service pipes, or galvanized iron pipe which had components of the service lines as lead. This is an ongoing effort to upgrade older services to remove lead, but also to reduce water loss from leaks in galvanized iron pipes and services.

C. Describe the type number and stories of structures (primary residences, vacation homes, industrial buildings, etc.) and amount of vacate land for the area that benefits from the project. For small projects (less than 75 homes), provide tax map information showing parcel number, owner, and valuation.
   Homes which are anticipated to be impacted by this project are primary residences. Homes will be scattered around the City of Newport News and the City of Hampton based on locations of the partial lead service lines which are anticipated to be replaced on the public side. This grant would be eligible to all residents that have had the public side of the service replaced to permit this replacement to be considered a Full Lead Service Line Replacement.
SECTION E - PROPOSED FINANCING

1. Construction Funding for this Project
   a. VDH Funding Assistance Needed $500,000
      (only include SRF eligible items and should match Section H - Project Budget Information, Item 14)
   b. Other Funds Available, provide details below: - Provide documentation as Attachment C-1.

<table>
<thead>
<tr>
<th>Source Dollars</th>
<th>Source Name</th>
<th>Status of Securing Other Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 a. grant</td>
<td>VDH - LSLR Grant Funding</td>
<td></td>
</tr>
<tr>
<td>2 a. grant</td>
<td></td>
<td>500,000</td>
</tr>
<tr>
<td>3 a. grant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 a. grant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal:</td>
<td></td>
<td>500,000</td>
</tr>
<tr>
<td>c. Total Project Cost (1a + 1b) = $ 500,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Type of security applicant anticipates giving for the loan: [Check All Appropriate Type(s)]
   - Pledge of Revenue of the Water System Only.
   - Pledge of Revenue of Water and Sewer System.
   - General Obligation of the Locality.
   - Other - Describe: __________________________

3. Do you have any outstanding debt related to the water and sewer system?  □ Yes □ No
   If yes, have you requested that new debt be issued on parity with the old?  □ Yes □ No
   Provide documentation as Attachment C-2.

4. Median Household Annual Income (MHI) of area to be served
   - $49,815 (Hampton) $51,082 (Newport News) /year
   Use the census block or latest update for county/city/towns (http://factfinder.census.gov). Provide project specific income survey data for those projects not large enough to be identifiable via census information.
   If you have applied or will apply to other funding agencies that require an income survey, attach the results to this application. For efficiency consider doing income and user agreement surveys at the same time. For assistance, please contact VDH-ODW.
   Provide Documentation of Basis/Referenced Source as Attachment C-5
SECTION F - PROJECT ISSUES – Provide documentation as Attachment C-4 of each yes answer.

Presented here are relative issues that need consideration for construction projects:

<table>
<thead>
<tr>
<th>1. Health Issues</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there a Surface Water Treatment Rule violation, i.e., inadequately treated surface water or groundwater under the influence of surface water?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Are there persistent Total Coliform Rule or nitrate standard violations?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Is there a continuing Boil Water Notice in effect? Reason:</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Is there a Health Hazard declaration by the State Health Commissioner, a State Declared Emergency, or have you been issued a formal enforcement order?</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Are there persistent PMCL violations for contaminants such as VOC, SOC, IOC, RAD etc.? (circle: VOCs, SOCs, IOCs, RADs etc.)</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Are there Lead and Copper Action Levels Exceedances?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Are there known Lead Service Lines that are to be removed?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Does the waterworks have an Enforcement Targeting Tool (ETT) score ≥11?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Will the project resolve conditions of inadequate quality and quantity of a groundwater source water supply?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Will the project ensure that drinking water receives appropriate treatment to protect the health of the consumers?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Will the project prevent conditions favoring the entrance of contaminants into the distribution system, e.g., inadequate pressure, inadequate storage, system water losses, etc.?</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Are there inadequate individual water supplies documented via report and letter by the District Health Director to show health hazards? ☐ ☒

Provide as Attachment C-7 supporting report and data with representative samples from at least 50% of the homes in the project area. The samples are to be evenly spaced and all potential line segments sampled. The project map will illustrate the results and problem areas.

2. Regionalization – Has regionalization been considered? Will this project consolidate failing, non-complying, or underperforming waterworks or improve resiliency? Explain below:

   Newport News Waterworks is already a regionalized provider of Water for 5 municipalities.

3. Readiness to proceed. This application assumes you have not initiated design or construction. IF this is not the case, please contact VDH.
   (a) Please provide documentation as Attachment C-3 that your controlling board, council, president, etc. has approved this project submittal.
   (b) New construction timeline – To provide these answers, USE and submit the attached Construction Project Schedule as Attachment C-6.
   (c) For new service area customers, please document number of user agreements or commitments obtained in initial survey _____; _____ residential, _____ other.

   This initial survey must obtain executed agreements or commitments from at least a majority of the homes in the project area. Continuation of the initial survey is a requirement and the final survey result is intended to obtain 80% or more for the project to be feasible from a positive cash flow perspective. Provide as Attachment C-7 a project map indicating existing potential connections and indicating those committed. NOTE: Mandatory hook-up ordinance does not substitute for obtaining agreements or commitments to connect.
   (d) Provide documentation that an adequate drinking water source or source agreement contract is available and that VDH Field Office has approved as Attachment C-8. The source agreement contract can be contingent on VDH approving the project construction.
   (e) Please provide a copy of the Preliminary Engineering Conference documentation/notes, letter reports, design notes or the Preliminary Engineering Report for the project as Attachment C-9.
   (f) Explain/include as Attachment C-10 status of necessary permits (401/404, VPDES, Groundwater withdrawal, etc.)
SECTION G - STATISTICAL DATA

1. Connections and Population:

<table>
<thead>
<tr>
<th>ID</th>
<th>Data Description</th>
<th>Connections</th>
<th>Population(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Existing residential</td>
<td>85,000</td>
<td>290,000</td>
</tr>
<tr>
<td>b.</td>
<td>Existing total</td>
<td>106,000</td>
<td>318,211</td>
</tr>
<tr>
<td>c.</td>
<td>Project residential (1)</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Project total (1)</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>Future residential (2, 3)</td>
<td>85,000</td>
<td>290,000</td>
</tr>
<tr>
<td>f.</td>
<td>Future total (2, 3)</td>
<td>106,000</td>
<td>318,211</td>
</tr>
</tbody>
</table>

Notes:
(1) New connections and/or existing connections that benefit from the project.
(2) For a water line extension project, e. = a. + c. and f. = b. + d because new connections are being added. For any project that benefits existing connections only, e. = a. and f. = b., and then c. and d. will reflect how many existing residential and total connections, respectively, benefit from the project.
(3) For a project that benefits existing connections (e.g. - water line replacement) and also adds new connections (water line extension) then c. and d. will reflect how many residential and total connections, respectively, benefit from the project (connections that benefit from the project + new connections). In this case, e. = a. + new residential connections added and f. = b. + new total connections added.
(4) Provide population estimates based on the previous column (connections).

2. Water Usage and losses:

- Provide supporting documentation as Attachments C-12 and C-21

   a. What is the current monthly average number of gallons of water used per residential connection? __________ gallons/month.

      Use total annual gallons billed for in-town residential customers divided by 12 months and divided by the total number of in-town residential customers.

   b. Provide the percent of water loss within the system. Unbilled authorized consumption (e.g. firefighting) should be excluded.

      Water losses as a percentage of total production. = ___% 

      This percentage includes: ☑ Real water losses (Physical losses from leaks/bursts in the distribution lines and tank overflows)

                      ☑ Apparent water losses (includes metering inaccuracies and unauthorized usage [theft/illegal use])

3. Individual water meters are on:

   ☑ All services
   ☐ Only commercial accounts
   ☐ Only residential customers
   ☐ Some services: ________

   ☐ None are metered.

   If none are metered, is metering included in this project? ☐ Yes ☐ No.

   Explanatory statement, if appropriate:

4. Rates:

- Attach rate schedules as Attachment C-11

   a. Existing monthly water charges (explain here):

   b. When were water rates last increased? Please provide dates and amount/percentage of increase as Attachment C-11.

   c. What is your connection fee for water?

   d. Are rate increases anticipated as a result of this project? ☐ Yes ☑ No
If yes, please provide the amount and percentage increase expected and the anticipated effective date for the increase(s).

5. Water Users

<table>
<thead>
<tr>
<th>Service Area Jurisdictions</th>
<th>b. # of Existing Residential Connections</th>
<th>c. # of Project Residential Connections at Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newport News</td>
<td>46,200</td>
<td>46,200</td>
</tr>
<tr>
<td>Hampton</td>
<td>43,800</td>
<td>43,800</td>
</tr>
</tbody>
</table>

d. Existing drinking water usage 35,000,000 gpd. _______ % residential _______ % nonresidential

e. As Attachment C-14, identify Ten (10) Largest Users of the Water System and Estimated Monthly Consumption per user.

6. Determine Average Monthly Residential Water User Rate:

Provide an average monthly residential water user rate analysis as Attachment C-13 - using VDH project only template.

Average Monthly Residential Water User Rate = $_________ /month

7. Target User Rates:

Target user rates are set as a percent of Median Household Income (MHI). The annual MHI utilized for a project is to be based upon the latest census figures or latest update for the city, town or county in which the waterworks is located. Due to recent changes in the calculation of the average monthly residential water user rate, the monthly target rate will be calculated by FCAP Staff at the time of application review.

8. Current Rate Structure:

Due to recent changes in the calculation of the average monthly residential water user rate, the current rate structure will be evaluated by FCAP Staff at the time of application review.

Waterworks are expected to meet or exceed the target rate criteria at or before the time of project completion. VDH reserves the right to require a rate revision plan and implementation schedule acceptable to VDH.

Having adequate financial resources is crucial to maintaining a successful and sustainable waterworks. Furthermore, EPA mandates that all borrowers receiving program assistance must demonstrate full financial capacity in order to receive funds. In addition, rate increases/adjustments may be required to meet debt obligations or pass a VRA credit review.
### SECTION H – PROJECT BUDGET INFORMATION

From PER based on existing PWS's financial statements

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Administration, Legal Expense (should be less than $10,000 each)</td>
<td>$0</td>
</tr>
<tr>
<td>2. Land, Right-of-Way</td>
<td>$0</td>
</tr>
<tr>
<td>3. Architectural/Engineering Basic Fees</td>
<td>$0</td>
</tr>
<tr>
<td>4. Other Architectural/Engineering Fees (PER, etc.)</td>
<td>$0</td>
</tr>
<tr>
<td>5. Project Inspection Fees</td>
<td>$0</td>
</tr>
<tr>
<td>6. Other (Explain. e.g. Lead Service Lines)</td>
<td>$500,000</td>
</tr>
<tr>
<td>7. Treatment Plant Construction</td>
<td>$0</td>
</tr>
<tr>
<td>8. Pump Station Construction</td>
<td>$0</td>
</tr>
<tr>
<td>9. Distribution System Construction</td>
<td>$0</td>
</tr>
<tr>
<td>10. Storage Tank Construction</td>
<td>$0</td>
</tr>
<tr>
<td>11. Equipment Purchase/Installation</td>
<td>$0</td>
</tr>
<tr>
<td>12. Contingencies No more than 5% of the construction costs</td>
<td>$0</td>
</tr>
<tr>
<td>13. Other (Asset Management Plan, WBOP, Studies, etc.)</td>
<td>$0</td>
</tr>
<tr>
<td>14. Loan Closing Fee*</td>
<td>$6,000</td>
</tr>
<tr>
<td>15. TOTAL [Round to the nearest thousand] (should match Section E)</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

*VDH reserves the right to apply a closing fee of $6,000 for all applicable loan offers to defray the cost of this service. The $6,000 may be included in the principal of the loan. If VDH determines a loan closing fee does not apply it will be eliminated from the final budget.

### SECTION I – FINANCIAL DATA

1. Annual Operation, Maintenance and Replacement (O, M & R). Estimated Cost for Proposed Facilities: From PER or other sources based on existing PWS's financial statements

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Labor</td>
<td>$0</td>
</tr>
<tr>
<td>b. Utilities</td>
<td>$0</td>
</tr>
<tr>
<td>c. Materials</td>
<td>$0</td>
</tr>
<tr>
<td>d. Water Purchases</td>
<td>$0</td>
</tr>
<tr>
<td>e. Outside Services</td>
<td>$0</td>
</tr>
<tr>
<td>f. Miscellaneous Expenses</td>
<td>$0</td>
</tr>
<tr>
<td>g. Equipment Replacement</td>
<td>$0</td>
</tr>
<tr>
<td>h. Total O, M &amp; R Cost</td>
<td>$0</td>
</tr>
</tbody>
</table>

   **Provide documentation as Attachment C-15 for basis of estimate** (i.e. financial statements)

2. Estimated Annual Water Facilities Costs - From PER or other sources based on existing PWS's Financial Statements

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Net O, M &amp; R (for existing water facilities)</td>
<td>$0</td>
</tr>
<tr>
<td>USE Financial Statements</td>
<td></td>
</tr>
<tr>
<td>b. Existing Annual Debt Service for water system</td>
<td>$0</td>
</tr>
<tr>
<td>USE Financial Statements</td>
<td></td>
</tr>
<tr>
<td>c. O, M &amp; R for Proposed Facilities</td>
<td>$0</td>
</tr>
<tr>
<td>d. Total (Sum of a+b+c)</td>
<td>$0</td>
</tr>
</tbody>
</table>

3. Sources of Residential and Nonresidential Revenues as a Percentage of Total Annual Water Revenue

<table>
<thead>
<tr>
<th>Item</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Residential</td>
<td>____%</td>
</tr>
<tr>
<td>b. Nonresidential</td>
<td>____%</td>
</tr>
</tbody>
</table>

4. For the proposed project - Provide a six-year cash flow analysis as Attachment C-19 - using VDH project only template- of revenue and expenses (operating budget) showing as a bottom line the funds available for debt service.

5. For the entire waterworks - Provide a six-year cash flow analysis as Attachment C-20 – using VDH overall waterworks template- of revenue and expenses (operating budget).
SECTION J – SUSTAINABILITY/RELIABILITY/GPR/CLIMATE READINESS

1. Asset Management Plan:

To qualify for Asset Management Plan credit, a waterworks must provide documentation as Attachment C-22 which demonstrates a minimum of the following for the waterworks:

- Inventory of existing assets/infrastructure, (i.e., sources, treatment, storage, etc.)
- Expected useful life of assets vs. remaining useful life.
- Documentation of planned, scheduled maintenance.
- Documentation of an asset replacement or capital improvement reserve.

2. Source Water Protection Info:

To qualify for credit, a waterworks must provide documentation. Please contact VDH Source Water Protection staff.

3. Green Project Reserve (GPR) Business Case:

All applicants must submit. To qualify for credit as Green Project Reserve (GPR), a waterworks must show that its proposed DWSRF-funded project has significant (not incidental) green benefits. For credit the project must provide green infrastructure, promote water and/or power efficiency, or provide other innovative environmental benefits. IF there are no identifiable benefits enter “zero” GPR dollars. Attach additional sheets as needed.

<table>
<thead>
<tr>
<th>Applicant</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name and Phone</td>
<td></td>
</tr>
<tr>
<td>Project Description and associated costs</td>
<td></td>
</tr>
<tr>
<td>What project elements can be classified as potentially green?</td>
<td></td>
</tr>
<tr>
<td>Technical Component</td>
<td></td>
</tr>
<tr>
<td>Financial Component</td>
<td></td>
</tr>
<tr>
<td>GPR Dollars Claimed $ and % (as % of VDH funded portion of project)</td>
<td></td>
</tr>
<tr>
<td>Signature/Date</td>
<td></td>
</tr>
</tbody>
</table>
C-3 – Controlling Board Authorization

This will be forthcoming.

C-4 – Project Issue Documentation

Newport News Waterworks has known lead goosenecks within the distribution system that are being replaced on a systematic basis with newer copper services between the water main and the water meter which is located at the property line. However, the Private or residence side of the water service between the water meter and the house the material type is unknown. While Waterworks is performing the partial lead service replacements by removing the lead and iron between the water main the water meter. The Resident would be burdened to complete the process by removing and lead or iron between the water meter and residence. To assist in the resident side of the replacement and allow these to be classified as full water service replacements, this grant is being applied for to reduce the cost to the resident.

C-5 – Median Household Income:

City of Newport News – 2017 Data – 180,775 population, Median Household Income is $51,082
City of Hampton – 2017 Data – 137,436 population, Median Household Income is $49,815
Source of data is US Census Bureau at http://factfinder.census.gov

C-6 – Construction Project Schedule:

As each Resident side of the project is a separate project a complete project schedule for this work is not applicable. The schedule consists of applying for the grant funding with waterworks, verification of material of the water service, verification that the waterworks portion of the service has been completed and contained a lead gooseneck, obtainment of a plumbing permit, construction of the service line which is anticipated as 4 hours, and documentation of the work for reimbursement through the grant program.

C-9 – Preliminary Engineering Conference:

A meeting was held between Newport News Waterworks (Louis Martinez, Yann LeGouellec, Dan Kuhns, & Robert Cosby) and VDH (Dwayne Roadcap, Steve Pellei, & Roy Soto) on November 13, 2018 at VDH in Richmond. The Lead Service Line Replacement Grant was discussed and determined that this is a program that Newport News Waterworks was interested in pursuing further by submitting this grant application.
C-10 – Current Rate Schedule:

See attached current rate schedule. Rates for Residential Water Usage are $3.21/HCF for 0-2 HCF, $3.69/HCF for 2-25 HCF, and $7.38/HCF for over 25 HCF. Plus a $13 monthly service fee. Additional fees vary based on municipality for fire protection and sanitary sewer service. Billing is on a monthly basis.

Most Recent Rate Schedule was July 1, 2018

C-12 – Monthly Average Residential Water Usage

Can be made available upon request

C-13 – Average Monthly Residential Water User Rate Analysis

Can be made available upon request

C-14 – Listing of 10 largest water users and estimated monthly consumption per user.

<table>
<thead>
<tr>
<th>Customer</th>
<th>Annual Consumption (hcf)</th>
<th>Monthly Consumption (hcf)</th>
<th>Annual Consumption (gallons)</th>
<th>Monthly Consumption (gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anheuser Busch Inc.</td>
<td>778,661</td>
<td>64,888</td>
<td>582,438,428</td>
<td>48,536,536</td>
</tr>
<tr>
<td>Huntington Ingalls Inc.</td>
<td>580,707</td>
<td>48,392</td>
<td>434,368,836</td>
<td>36,197,403</td>
</tr>
<tr>
<td>USAGFE GRMO (Fort Eustis)</td>
<td>351,978</td>
<td>29,332</td>
<td>263,279,544</td>
<td>21,939,962</td>
</tr>
<tr>
<td>Langley Air Force Base</td>
<td>304,489</td>
<td>25,374</td>
<td>227,757,772</td>
<td>18,979,814</td>
</tr>
<tr>
<td>Busch Gardens</td>
<td>215,300</td>
<td>17,942</td>
<td>161,044,400</td>
<td>13,420,367</td>
</tr>
<tr>
<td>Department of Navy</td>
<td>211,640</td>
<td>17,637</td>
<td>158,306,720</td>
<td>13,192,227</td>
</tr>
<tr>
<td>Dominion Energy</td>
<td>192,065</td>
<td>16,005</td>
<td>143,664,620</td>
<td>11,972,052</td>
</tr>
<tr>
<td>Pepsi Cola Bottling Group</td>
<td>168,912</td>
<td>14,076</td>
<td>126,346,176</td>
<td>10,528,848</td>
</tr>
<tr>
<td>BLB Privatized Housing, LLC</td>
<td>130,378</td>
<td>10,865</td>
<td>97,522,744</td>
<td>8,126,895</td>
</tr>
<tr>
<td>NASA LARC/NASA Shared Service Center</td>
<td>126,722</td>
<td>10,560</td>
<td>94,788,056</td>
<td>7,899,005</td>
</tr>
</tbody>
</table>
C-16 – Latest Interim (unaudited) Financial Statement
Not available

C-17 Current Year Budget
See attached PDF on CD

C-18 Three Most Recent Annual Audits
See Attached PDF on CD

C-21 Percent Leakage in the system.

- 5% is leakage or real water loss typically.
- 36,077,429 Gallons Per Day Produced (Measured as average produced at 2 treatment plants)
- 34,369,484 Gallons Per Day Consumed (Measured as average utilization at water meters)
- 1,707,945 Gallons Per Day Lost
- 95% of total water produced is measured as water meter consumption.
- 5% of total water produced is lost through fire flow, leaks, overflows, flushing, etc.

C-22 Asset Management Plan

Waterworks is in process of updating the overall Asset Management Plan. Currently waterworks has been tracking annual leaks per mile to determine pipe replacement program for Distribution System Improvements. This program has been ongoing for over 20 years with reductions in leaks being noted as older pipes are replaced prior to breaking and leaking. This program is also being utilized to target the elimination of lead goosenecks within the Distribution System. About half of the known lead goosenecks are on pipes that are in the Distribution System Prioritization Program.
Waterworks Department  
Customer Rates, Fees and Charges – July 1, 2018

Customer Service Payment Locations

1st Floor  
700 Town Center Drive  
Newport News, Va. 23606

Newport News Treasurer  
City Hall Annex  
2400 Washington Avenue  
Newport News, Va. 23607

**ADVANCE FEE**

Each new account established will be charged an initial Advance Fee based upon the size of the meter serving the customer. This fee remains with the customer’s account upon transferring water service to a new address. The Advance Fee is applied to the Customer’s Final Bill when termination of the water service account occurs.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Advance Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$ 73.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$ 120.00</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$ 217.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$ 333.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$ 600.00</td>
</tr>
<tr>
<td>4&quot; or larger</td>
<td>$ 933.00</td>
</tr>
</tbody>
</table>

**ACCOUNT FEE**

An Account Fee of $50.00 shall be paid by each applicant for water service, whether establishing a new account or transferring an existing account. This charge is made to defray the cost incurred by turning water on or off, or by other billing procedures involved in establishing a new account.

**WATER CONSUMPTION RATES**

per hundred cubic feet consumed (748 Gallons)

<table>
<thead>
<tr>
<th>Rate</th>
<th>per 1000 HCF</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1 - Lifeline</td>
<td>$3.21/hcf</td>
</tr>
<tr>
<td>R2 - Normal</td>
<td>$3.69/hcf</td>
</tr>
<tr>
<td>R3 - Conservation</td>
<td>$4.05/hcf</td>
</tr>
</tbody>
</table>

**SERVICE FEE**

Each customer bill shall include a Service Fee based upon the size of the meter serving the customer. This fixed fee is for expenses associated with the periodic billing procedures and maintaining distribution service facilities. The Service Fees are not related to the amount of water consumed and are (Newport News, Hampton, York & James City Co. Customers Only Must Add Amounts Indicated below for Fire Protection Service (FPS) Fees Imposed by That Jurisdiction):

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Service Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;</td>
<td>$ 13.00</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$ 16.65</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$ 23.40</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$ 40.73</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$ 62.40</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$ 144.00</td>
</tr>
<tr>
<td>4&quot; or larger</td>
<td>$ 208.00</td>
</tr>
</tbody>
</table>

**LATE PAYMENT FEE**

A Late Payment Fee of 10.0% per month calculated on the delinquent fees and charges, or ten dollars ($10.00), whichever is greater, and interest at the rate of 10% annually from the first day following such account is due. Payment must be RECEIVED in our offices by the due date stated on the bill. IMPORTANT - If you elect to pay through designated banking agencies, payment receipt could be delayed up to Ten (10) Days. Please make provisions for these delays and pay promptly to avoid this Fee.

**WATERWORKS LAB SERVICES**

Waterworks provides laboratory services for customers. For detailed information on services available and fees contact the Waterworks Laboratory at (757) 234-6723.

**SOLID WASTE SERVICE FEES**

Customer bills in the cities of Newport News and Hampton reflect a Solid Waste Service Fee determined by each city’s Department of Public Works. Waterworks serves as an agent to bill, collect and forward these receipts to the respective jurisdiction. Solid Waste Service Fees per container are:

<table>
<thead>
<tr>
<th>City</th>
<th>Fee per Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newport News, Medium (60 Gals)</td>
<td>$5.84</td>
</tr>
<tr>
<td>Newport News, Standard (90 Gals)</td>
<td>$7.30</td>
</tr>
<tr>
<td>Hampton</td>
<td>$6.10</td>
</tr>
</tbody>
</table>

**SEWER FEES**

Customer bills in the Cities of Newport News and Hampton reflect a Sewer Maintenance Fee determined by each City’s Department of Public Works. Waterworks serves as an agent to bill, collect and forward these receipts to the respective jurisdiction.

<table>
<thead>
<tr>
<th>City</th>
<th>Fee per HCF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newport News Sewer Service Fee / Month</td>
<td>$5.00**</td>
</tr>
<tr>
<td>Newport News Sewer Maintenance / HCF</td>
<td>$3.37</td>
</tr>
<tr>
<td>Hampton Sewer Maintenance / HCF</td>
<td>$1.48</td>
</tr>
<tr>
<td>Hampton Sewer Surcharge / HCF</td>
<td>$0.66</td>
</tr>
</tbody>
</table>

**For 5/8” meter. Other meter sizes have fees based on 5/8” equivalent cost.**
NEW SERVICE CONNECTION FEES (TAP FEES)

<table>
<thead>
<tr>
<th>Water Service Connection</th>
<th>Complete Installation</th>
<th>Meter Yoke, Box &amp; Water Meter</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) ¾&quot; Tap, ¾&quot; Pipe W/ 5/8&quot; Meter</td>
<td>$1,200.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>(2) ¾&quot; Tap, ¾&quot; Pipe W/Meter</td>
<td>$1,250.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>(3) 1&quot; Tap, 1&quot; Pipe W/Meter</td>
<td>$1,360.00</td>
<td>$475.00</td>
</tr>
<tr>
<td>(4) 1 ¼&quot; Tap, 1 ½&quot; Pipe W/Meter</td>
<td>$2,500.00</td>
<td>$1,260.00</td>
</tr>
<tr>
<td>(5) 2&quot; Tap, 2&quot; Pipe W/Meter</td>
<td>$2,800.00</td>
<td>$1,315.00</td>
</tr>
</tbody>
</table>

*NOTE* Charges for required permits and street repair costs shall be made in addition to the service connection fee.

RATES FOR FIRE SPRINKLERS

The Annual Charge for water standby service furnished by Waterworks for FIRE SPRINKLERS will be made in MONTHLY billing increments.

<table>
<thead>
<tr>
<th>CONNECTION SIZE</th>
<th>ANNUAL CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2&quot;</td>
<td>$63.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$82.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$100.00</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$163.00</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$200.00</td>
</tr>
<tr>
<td>10&quot;</td>
<td>$238.00</td>
</tr>
<tr>
<td>12&quot;</td>
<td>$288.00</td>
</tr>
</tbody>
</table>

FIRE HYDRANT METERS

Fire hydrant meters are available for use. Customers using hydrant meters will be required to pay Service Fees and Water Commodity Rates in place. Prior to issuance of hydrant meters, customers must:

1. Make application at Waterworks Material and Equipment maintenance Offices.
2. Place an deposit an amount equal to the cost of the hydrant meter.
3. Remit a non-refundable $50.00 fee for installation or movement of the meter if required.
4. Be properly trained in hydrant meter use.
5. Report monthly consumption used through the meter with Service Fees: 1" - $42.00; 3" Meter - $160.00
6. Failure to call in Reading - $25.00 Charge
7. Fire Hydrant Meter Advance Fees: 1" - $390.00; 3" - $855.00

When the size of the meter serving any premises is increased, the applicant shall pay a charge equal to the difference between the current system development charge for the existing meter and the current system development charge for the larger meter to be installed. All system development charges shall be paid prior to the placement of the water meter for the new connection. Individual taps of connections, not part of any water pipeline extension agreement WILL REQUIRE PAYMENT of the SDF upon application.

SYSTEM DEVELOPMENT FEES (SDF)

For each new connection made to the Newport News Waterworks system, a System Development Fee (SDF) will be charged based on the size of the meter to be installed. SDF charges are:

<table>
<thead>
<tr>
<th>METER SIZE</th>
<th>SDF</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8</td>
<td>$2,520</td>
</tr>
<tr>
<td>¾&quot;</td>
<td>$3,780</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$6,300</td>
</tr>
<tr>
<td>1 ½&quot;</td>
<td>$21,420</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$28,980</td>
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<td>3&quot;</td>
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<tr>
<td>4&quot;</td>
<td>$157,500</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$332,640</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$546,084</td>
</tr>
<tr>
<td>10&quot;</td>
<td>$873,684</td>
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</tbody>
</table>

When the size of the meter serving any premises is increased, the applicant shall pay a charge equal to the difference between the current system development charge for the existing meter and the current system development charge for the larger meter to be installed. All system development charges shall be paid prior to the placement of the water meter for the new connection. Individual taps of connections, not part of any water pipeline extension agreement WILL REQUIRE PAYMENT of the SDF upon application.

WATERWORKS MISSION

To provide high quality drinking water and support public health, safety, and the community with a professional team of dedicated employees, committed to excellence.

NEWPORT NEWS WATERWORKS

To provide high quality drinking water and support public health, safety, and the community with a professional team of dedicated employees, committed to excellence.
RESOLUTION NO. ____________________

A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF HEALTH FOR A LEAD SERVICE LINE REPLACEMENT PROGRAM GRANT.

WHEREAS, as part of a voluntary effort to “get the lead out” of the City’s water distribution system, the Waterworks Department is developing a program to replace identified lead gooseneck pipes that connect the public water main to individual water meters; and

WHEREAS, the Virginia Department of Health (“VDH”), through its Office of Drinking Water, provides grant funding for the replacement of galvanized iron/lead water service lines from the water meter to the home; and

WHEREAS, the Waterworks Department is applying for a grant of $500,000 to assist homeowners with the cost of replacing lead pipes and galvanized iron pipe with lead components from the water meter to the home; and

WHEREAS, where Waterworks staff discover the existence of lead service lines or galvanized iron service lines with lead components from the water meter to the home, the homeowner will be offered the opportunity to have the old service line replaced by a licensed plumber pursuant to the Lead Service Line Replacement Program; and

WHEREAS, as the Lead Service Line Replacement Program is 100% grant funded, no local matching funds are required; and

WHEREAS, VDH requires a resolution from the City Council authorizing the grant application.

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

1. That it hereby supports and authorizes an application to the Virginia Department of Health for a Lead Service Line Replacement Program Grant.

2. 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, any and all documents necessary to request, effectuate and implement a Lead Service Line Replacement Program application and grant as offered by the Virginia Department of Health Office of Drinking Water.

3. That the City Attorney shall review and approve all such documents prior to their execution.

4. That this resolution shall be in effect on and after the date of its adoption, April 23, 2019.
G. Other City Council Actions

2. Resolution Authorizing and Directing the City Manager to Execute Any and All Documents Necessary to Effectuate the Master Agreement By and Between the City of Newport News, Virginia and Hampton Roads Economic Development Alliance (HREDA) for Regional Economic Development

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE MASTER AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND HAMPTON ROADS ECONOMIC DEVELOPMENT ALLIANCE (HREDA) FOR REGIONAL ECONOMIC DEVELOPMENT.

BACKGROUND: • Member localities of HREDA have been working collaboratively along with private sector HREDA member to create the Master Agreement.

• A subcommittee of City Managers and County Administrators have worked to develop consensus regarding the provisions of the Agreement.

• The Agreement is being considered by all HREDA member localities for execution.

• The Agreement establishes a framework for a regional working relationship in economic development activities that is cooperative, aligned, and adequately resourced.

• The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:
Description
Memo to HCC re HREDA Master Agreement 4.17.19
sdmrag1744 Authorizing re Master Agreement for Regional Economic Development
TO: The Honorable City Council  
FROM: City Manager  
SUBJECT: Hampton Roads Economic Development Alliance (HREDA) Master Agreement for Regional Economic Development

City Council is requested to approve a resolution authorizing and directing the City Manager to execute the Master Agreement for Regional Economic Development with HREDA, on behalf of the City of Newport News. During the April 23, 2019 Work Session, there will be a briefing on the proposed Master Agreement for Regional Economic Development.

This Agreement is the result of deliberations among a subcommittee of City Managers and County Administrators who have worked with HREDA private sector partners to develop compromise and consensus regarding the provisions of the Agreement.

Each of the participating member localities of HREDA will be considering this Agreement for approval and execution. The Agreement establishes a framework for a regional working relationship in economic development activities that is cooperative, aligned, and adequately resourced.

I recommend approval.

Cynthia D. Rohlf

cc: Florence G. Kingston, Director, Department of Development
RESOLUTION NO. _________


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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Master Agreement for Regional Economic Development by and between the Hampton Roads Economic Development Alliance, the City of Chesapeake, the City of Franklin, the City of Hampton, the County of Isle of Wight, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the County of Southampton, and the City of Virginia Beach.

2. That a copy of the said Master Agreement for Regional Economic Development is attached hereto and made a part hereof.

3. That this resolution shall be in effect on and after the date of its adoption, April 23, 2019.
MASTER AGREEMENT
FOR
REGIONAL ECONOMIC DEVELOPMENT

This MASTER AGREEMENT FOR REGIONAL ECONOMIC DEVELOPMENT (as in effect from time to time, "Agreement") is entered into as of July 1, 2019 ("Effective Date"), by and between the HAMPTON ROADS ECONOMIC DEVELOPMENT ALLIANCE, a Virginia non-stock, non-profit corporation ("Alliance"), the CITY OF CHESAPEAKE, a political subdivision of the Commonwealth of Virginia ("Chesapeake"), the CITY OF FRANKLIN, a political subdivision of the Commonwealth of Virginia ("Franklin"), the CITY OF HAMPTON, a political subdivision of the Commonwealth of Virginia ("Hampton"), the COUNTY OF ISLE OF WIGHT, a political subdivision of the Commonwealth of Virginia ("Isle of Wight"), the CITY OF NEWPORT NEWS, a political subdivision of the Commonwealth of Virginia ("Newport News"), the CITY OF NORFOLK, a political subdivision of the Commonwealth of Virginia ("Norfolk"), the CITY OF POQUOSON, a political subdivision of the Commonwealth of Virginia ("Poquoson"), the CITY OF PORTSMOUTH, a political subdivision of the Commonwealth of Virginia ("Portsmouth"), the CITY OF SUFFOLK, a political subdivision of the Commonwealth of Virginia ("Suffolk"), the COUNTY OF SOUTHAMPTON, a political subdivision of the Commonwealth of Virginia ("Southampton"), and the CITY OF VIRGINIA BEACH, a political subdivision of the Commonwealth of Virginia ("Virginia Beach"; Chesapeake, Franklin, Hampton, Isle of Wight, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Southampton and Virginia Beach individually and collectively, whether one or more, "Public Investors"). Each of the Alliance and the Public Investors are referred to individually as a "Party" and collectively as the "Parties."

RECITALS:

A. The Parties desire to stimulate growth of businesses, high paying jobs, tax base, the regional economy and economic opportunity for the citizens, businesses, cities and counties in the Hampton Roads region of Virginia ("Region"). Accomplishing this objective requires a regional working relationship that is cooperative, harmonious, aligned and adequately resourced.

B. The Parties have determined that the findings and recommendations set forth in the report on Inward Investment and Business Environment Improvement Actions (March 2018), issued by IBM-Plant Location International ("Report"), should be used as a strategic plan to guide the Region’s economic development efforts. The Report recommends that the Region’s economic development efforts primarily focus on the following industry sectors (collectively, "Targeted Industries"): Shared Services, IT and Software Development, Food Processing, Transport Technologies, Data Analytics and Transportation/Distribution. The Report also recognizes that from time to time additional industry sectors may warrant inclusion in the Targeted Industries and that a portion of Alliance resources should be made available to develop opportunities in such additional sectors. Examples of such additional industry sectors include cybersecurity, biotech R&D and manufacturing, data centers and other opportunities arising from the Region’s investment in broadband infrastructure and the transcontinental undersea data cables connecting the Region and the Mid-Atlantic United States to Europe and South America.
C. The Parties intend to implement a comprehensive regional economic development program on the terms set forth in this Agreement that is consistent with the following core principles:

(i) The program will be investor/customer oriented to improve the Region’s competitive position and to better serve the investors in the Alliance;

(ii) Marketing, messaging, regional site preparation/development, workforce development, cluster development and innovation through business expansion, retention and attraction will be coordinated regionally;

(iii) The vehicle for this initiative will be a true regional/local partnership between government, business, education and non-profits in the Region with visible and active leadership from the highest levels including CEOs, Mayors, Chairs, Chief Administrative Officers and Presidents;

(iv) Sustainable resources of at least $4 million annually will be provided to the Alliance, funded equally by business and government;

(v) The Report will be utilized as a strategic plan to guide the Region’s comprehensive economic development strategy; and

(vi) A public-private steering committee will be formed to provide leadership to advance the restructuring and resourcing of the Region’s economic development program.

NOW, THEREFORE, for and in consideration of the covenants set forth in this Agreement, the Parties stipulate and agree as follows:

1. **Term of Agreement.** The initial term of this Agreement begins on July 1, 2019 and expires on June 30, 2022. Thereafter, unless a Party notifies the other Parties that it will withdraw from this Agreement not less than thirty (30) days prior to the end of the initial term or the then current term, the term of this Agreement automatically will renew and be extended for an additional one (1) year period.

2. **Funding by Public Investors.** The Public Investors will provide annual funding ("Public Funding") to the Alliance in an amount approximately equal to the total commitments for annual funding provided to the Alliance by contributors that are not Public Investors (e.g., individuals, businesses, non-profit organizations, educational institutions, foundations, parties providing grants, commissions and boards (individually and collectively, whether one or more, "Private Investors")). Payment of Public Funding may be made in annual, semi-annual or quarterly-annual installments as determined by each Public Investor in its discretion from time to time.

   (i) **Baseline Public Funding.** For the fiscal year July 1, 2019 to June 30, 2020, Public Funding for each Public Investor will be in the baseline amounts set forth on Exhibit A attached to and incorporated in this Agreement by this reference. Beginning in 2020 and annually
thereafter, the Public Investors collectively will determine their respective funding amounts for the forthcoming fiscal year so that the aggregate amount of Public Funding is consistent with the principles set forth in Section 3.

(ii) **Annual Appropriation.** Notwithstanding anything to the contrary in this Agreement, (i) funding to be provided by each Public Investor pursuant to this Agreement is subject to annual appropriation in each Public Investor’s annual budget and (ii) failure of any Public Investor to make an annual appropriation of its required annual funding under this Agreement prior to July 1 of any year in the term of this Agreement will not constitute a breach of this Agreement by such Public Investor but rather will constitute the automatic withdrawal of such Public Investor from this Agreement. Any Public Investor that is automatically deemed to have withdrawn from this Agreement will no longer be entitled to any benefits, or have any future obligations, under this Agreement.

3. **Equal Funding by Private Investors and Public Investors.** One of the core principles of this Agreement, and of the engagement and financial support from Private Investors, is that sustainable resources of at least $4 million annually be provided to the Alliance, funded equally by Public Investors and Private Investors. Consequently, if at any time (i) the annual funding provided by Private Investors is less than the annual funding provided by Public Investors, then the Public Investors may reduce the Public Funding to a level approximately equal to the annual funding provided by Private Investors and (ii) the annual funding provided by Public Investors is less than the annual funding provided by Private Investors, then the Private Investors may reduce their annual funding to a level approximately equal to the Public Funding. Notwithstanding the provisions of this Section, the Parties acknowledge that it is unlikely that annual funding by Public Investors and Private Investors ever will be exactly equal due to Public Investors funding pursuant to budget appropriations on a fiscal year basis, funding from Private Investors being made on a calendar year basis and the Parties’ expectation that annual funding will take approximately three years to reach approximately $4 million annually.

4. **Obligations of the Alliance.** The Alliance will have the following responsibilities and obligations:

   (i) **Annual Plan.** Establish an annual business plan ("Annual Plan") that includes a budget, staffing and the programs and actions to be taken by the Alliance during the forthcoming year, including goals, action items and performance metrics to be used to manage and measure progress in implementing the Annual Plan ("Performance Metrics"). The Annual Plan and Performance Metrics will be consistent with the Report’s recommendations, subject to available financial resources and staffing. The Annual Plan and Performance Metrics may be adjusted periodically by the Alliance Board of Directors. If Performance Metrics are not being achieved, then the Alliance Board of Directors and Alliance management will assess the relevant causative factors and implement appropriate measures in response to such factors. Failure to meet any Performance Metrics will not, by itself, constitute a breach of this Agreement unless the Alliance fails to develop and implement appropriate responses.

   (ii) **Services and Functions.** The Alliance will:
(a) Be the lead and single point of contact and information source for outside investors, Virginia Economic Development Partnership ("VEDP") and other state agencies, real estate brokers, real estate developers, franchise utilities, the Port of Virginia, site consultants, workforce boards, educational institutions and all other parties seeking to invest in or be involved in the Region’s economic development.

(b) Develop a regional operating protocol with VEDP.

(c) Manage regional and support local responses to outside investors throughout the overall site/facility location evaluation and selection process.

(d) Work collaboratively with the Public Investors and other regional economic development stakeholders to (A) develop the Region’s economic development strategy, value proposition and message development and (B) market the Region as a location for business operations, quality and inclusive economic growth and talent attraction and job creation through local, national and international marketing campaigns and business development activities. Primary focus will be given to economic growth within the Targeted Industries.

(e) Develop and manage the Region’s business retention, expansion and organic growth strategy, in conjunction and collaboration with the Public Investors’ economic development departments and other organizations involved in the Region’s economic development strategy, including growth of business clusters and startups within the Targeted Industries. This will include monitoring, benchmarking, assessing and directly supporting a local and regional business retention and expansion strategy.

(f) Support each Public Investor’s efforts to close economic development transactions.

(g) Work collaboratively to enhance the Region’s long-term regional business environment improvement programs and efforts as set forth in the Report, including regional talent and workforce development, site and facility development, pro-business regulations and return on investment driven economic incentives.

(h) Organize and manage the Region’s economic developer team ("RED Team"). The Red Team will (A) obtain input from the Public Investors and other organizations involved in regional economic development into the Annual Plan, (B) develop and implement marketing and branding strategies for the Region, (C) coordinate with each Public Investor’s economic development department, and other organizations involved in regional economic development, on implementation of the Region’s economic development strategy and performance of the Annual Plan, (D) ensure that regional and local economic development efforts are aligned, are complimentary, are cost effective and do not conflict or compete with each other, (E) develop and implement a regional operating protocol between the Alliance and the Public Investors to promote coordination of communications regarding economic development inquiries and (F) develop and implement a regional operating protocol between the Alliance and the Public Investors to promote coordination of site preparation and development in support of the Region’s economic development strategy.

(i) Work collaboratively with each Public Investor’s economic development department to benchmark local and regional competitiveness and regularly provide data and information regarding matters that could impact each Public Investor’s ability to attract or retain business and employment.
(j) Maintain and develop regional business intelligence (demographic, market and property data, etc.) in coordination with the Hampton Roads Planning District Commission, RelInvent Hampton Roads, Go Virginia, the Port of Virginia and local universities, and serve as an information source in support of regional and local economic development.

(iii) **Annual Report.** Provide an annual report to the Public and Private Investors covering the Alliance’s activities, budget and achievement of Performance Metrics for the applicable period.

5. **Obligations of the Public Investors.** The Public Investors will:

   (i) **Recognition of Role of the Alliance.** (a) Designate the Alliance as its official regional economic development organization and single point of contact for regional marketing, business attraction, client communications and care and (b) work cooperatively with the Alliance with respect to business attraction, closing in-bound investment opportunities, business retention and expansion and marketing and messaging in support of the Annual Plan and the Region’s economic development strategy. For the avoidance of doubt, this provision does not preclude Public Investors from facilitating the expansion and retention of existing businesses within their respective jurisdictions or from pursuing leads and opportunities with new-to-market companies that have selected a specific jurisdiction as their preferred location for business investment. It is the intent of the Parties that they will have a regional working relationship that emphasizes communication and is collaborative, cooperative and aligned to maximize economic development opportunities.

   (ii) **Funding.** Provide their respective shares of the Public Funding.

   (iii) **RED Team.** Direct and appoint their senior economic development officer to be the primary staff liaison to the Alliance and represent the Public Investor on the RED Team, and ensure that regional and local economic development efforts are aligned, are complimentary, are cost effective and do not conflict or compete with each other.

   (iv) **Engagement in Governance of the Alliance.** Designate an elected official (Mayor/Chair or other elected official) to serve on the Alliance Board of Directors and actively participate in and represent the Public Investor in Alliance governance and program matters. This person will serve as the Public Investor’s key communication liaison with the Alliance. The Public Investor’s chief administrative officer may serve as an alternate voting representative on the Board of Directors in the absence of such elected official.

   (v) **Services and Functions.** The Public Investors will:

      (a) Actively align and coordinate their economic development activities and efforts to ensure that such activities and efforts are supportive of the Region’s overall regional economic development strategy and do not duplicate or conflict with the regional strategy and the Annual Plan.
(b) Cooperatively work with the Alliance to improve regional and local competitiveness and market readiness to support the growth and expansion of the Targeted Industries.

(c) Coordinate with the Alliance to develop, monitor, benchmark, assess and implement an effective local and regional business retention and expansion strategy.

(d) Participate in the Alliance and RED Team planning processes to help ensure that the Annual Plan and operating protocols incorporate the Public Investors’ priorities.

(e) Respond to leads or prospects referred by the Alliance in a timely manner pursuant to protocols established by the Alliance and approved by the RED Team.

(f) Participate in the Alliance led marketing and business development activities designed to promote the Region overall as a business location.

6. Governance of the Alliance. Management and governance provisions for the operation of the Alliance are set forth in the Alliance Bylaws. The Parties recognize that revisions to such governance and management Bylaw provisions will be required to provide more effective and efficient management and governance for the Region’s economic development program. The Parties and the Private Investors will evaluate and implement a governance structure that may include, among other revisions, the following:

(a) Public Investors that provide at least $125,000 of annual Public Funding (collectively, “Major Public Investors”) will have a prominent role in the development of a new governance and management structure.

(b) The Major Public Investors will be represented on the Alliance Board of Directors.

(c) At-large representation on the Alliance Board of Directors and a subcommittee structure will be utilized to provide opportunities for all Public Investors to have input into the operation and direction of the Alliance.


(i) Entire Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter of this Agreement, and there are no other terms, obligations, covenants or conditions, oral or otherwise, of any kind whatsoever.

(ii) Amendments; Waivers. No change or modification to, or waiver of any provision of, this Agreement will be binding or enforceable unless in writing and signed by the Parties.

(iii) Assignment. This Agreement, and the rights and obligations of the Parties under this Agreement, may not be assigned by any Party without the prior written consent of all Parties.

(iv) Additional Public Investors. Should any other city or county desire to become a party to this Agreement from time to time, such city or county may do so by signing and delivering a Joinder Agreement also approved and signed by the Parties.

(v) Counterparts. This Agreement may be executed simultaneously in counterparts, each of which will be deemed an original but all of which together will constitute one and the same
agreement. This Agreement and any amendments or joinders to this Agreement, to the extent signed and delivered by means of a .PDF, facsimile machine, email or other electronic transmission, will be treated in all manner and respects and for all purposes as an original agreement or instrument and will be deemed to have the same binding legal effect as if it were the original signed version thereof delivered in person.

(vi) **Severability.** If any term, covenant, condition or provision of this Agreement is unlawful, invalid or unenforceable, such illegality, invalidity or unenforceability will not affect the remaining provisions of this Agreement, which will remain in full force and effect and will be binding on the Parties.

(vii) **Headings.** The headings of the sections of this Agreement are inserted for convenience only and do not affect the meaning or interpretation of this Agreement or any provision of this Agreement.

(viii) **Construction.** Unless the context requires otherwise, singular nouns and pronouns used in this Agreement will be deemed to include the plural, and pronouns of one gender will be deemed to include the equivalent pronoun of the other gender.

(ix) **Notices.** All notices, requests, demands or other communications provided for in this Agreement must be in writing and will be deemed to have been given and received, when addressed to the Parties at the addresses set forth on their respective signature pages to this Agreement, (a) one (1) business day after being sent by reputable overnight carrier for priority next day delivery, charges prepaid, or (b) five (5) business days after being sent by registered or certified U.S. Mail, return receipt requested, postage prepaid. Each Party may designate a different or additional address or addressee from time to time by notice to the other Parties.

(x) **Default by Alliance.** If the Alliance fails to fulfill any material obligation under this Agreement and such failure continues for more than sixty (60) days after notice of such failure is given by a Public Investor, then the Public Investors may terminate this Agreement by notice to the Alliance; provided that if the remedy requires work to be done or actions taken which by their nature reasonably cannot be accomplished within such period, then no default will be deemed to exist if the Alliance commences and diligently pursues appropriate remedies to completion within one hundred twenty (120) days or such longer period as may be approved by the Public Investors.

(xi) **Applicable Law.** This Agreement will be governed by, and will be construed and performed in accordance with, the laws of the Commonwealth of Virginia.

(xii) **No Third-Party Beneficiaries.** This Agreement is for the benefit of the Parties only. No other person or entity will have any right or entitlement, whether as third-party beneficiary or otherwise, with respect to or by reason of any provision of this Agreement.

[Remainder of page intentionally left blank; signature pages follow.]
IN WITNESS WHEREOF, an authorized representative of each of the Parties has signed this Master Agreement for Regional Economic Development effective as of the Effective Date.

HAMPTON ROADS ECONOMIC DEVELOPMENT ALLIANCE,
a Virginia non-stock, non-profit corporation

By: ________________________________ (SEAL)
Print Name: Robert S. Herbert
Title: Interim President and CEO

Address for Notices:
500 East Main Street
Suite 1300
Norfolk, VA 23510
Attn: President/CEO

[Signatures continue on next page]
CITY OF NEWPORT NEWS,
a political subdivision of the Commonwealth of Virginia

By: _______________________________ (SEAL)
Name: Cynthia D. Rohlf
Title: City Manager

APPROVED AS TO FORM AND CORRECTNESS:

_______________________________
City Attorney

APPROVED AS TO CONTENT:

_______________________________
City Manager

Address for Notices:
2400 Washington Avenue, 10th floor
Newport News, Virginia 23607
Attn: City Manager

With a copy to:
2400 Washington Avenue, 9th floor
Newport News, Virginia 23607
Attn: City Attorney

[Signature pages for each Public Investor to be added]

[Signatures continue on next page]
<table>
<thead>
<tr>
<th>Public Investor</th>
<th>Baseline 2019-2020 Public Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesapeake</td>
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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

   Jenkins
   Price
   Scott
   Vick
   Woodbury
   Cherry
   Harris

K. Adjourn

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