AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

MAY 28, 2019

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation
   • Elder Darrin C. Lyons, Bethel Restoration Center

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

D. Presentations
   1. Presentation: Certificates - Battle of the Books

E. Public Hearings
   1. Ordinance Granting Conditional Use Permit No. CU-2019-0003 to Taylor Made Holdings NN, LLC., to Allow the Operation of a Private School With Less Than 200 Students, On Property Located at 803 Diligence Drive, Zoned C4 Oyster Point Business
   2. Ordinance Granting Conditional Use Permit No. CU-2019-0004 to North Riverside Baptist Church and City Life Church to Allow the Operation of a Pre-School or Day School With Child Care As Part of a Community Facility Located at 311 Selden Road, Zoned R3 Single-Family Dwelling
   3. 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 Short-Term Rental
   4. 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 "B" Residential
5. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article V., General Regulations; By Adding Thereto a New Section, Namely: Section 45-517.1 Short Term Rentals

6. Ordinance Authorizing the City Manager to Execute Any Documents Necessary to Effectuate the Closing and Vacating of a Portion of an Unpaved Street or Right of Way Located at Abingdon Road in the Tipton Place Subdivision

7. Ordinance Amending City Code, Chapter 40, Taxation; Article I., General Provisions and Exemptions; Division 3., Property Exempted By Designation; Section 40-8.05, Property of Newport News Green Foundation, Inc.; to Add Property Located at 315 Center Avenue

F. Consent Agenda

1. Minutes of the Work Session for May 14, 2019
2. Minutes of the Special Meeting for May 14, 2019
3. Minutes of the Regular Meeting for May 14, 2019
4. Resolution of Recognition: St. Paul's Episcopal Church

G. Other City Council Actions

1. Receipt of Bids For a Utility Easement at 1451 48th Street in Copeland Park
2. Resolution Approving and Authorizing Submission of the Consolidated Plan For Housing and Community Development, Including the Proposed Use of Community Development Block Grant and Home Funds and Certifications For Fiscal Year 2019-2020, to the United States Department of Housing and Urban Development (HUD)
3. Resolution Supporting an Application to the Virginia Department of Transportation (VDOT) For an Allocation of $10,000,000 Per Fiscal Year For Three Consecutive Fiscal Years and Authorizing the City Manager to Execute a Programmatic Project Administration Agreement For Revenue Sharing Projects

H. Appropriations

1. Office of the Commonwealth's Attorney - Asset Forfeiture Fund: Technology Equipment Supplies - $10,000
2. Department of Development – Fourth City Center of Oyster Point Public Parking Garage and Related Traffic Infrastructure Improvements - $31,300,000
I. Citizen Comments on Matters Germaine to the Business of City Council

J. *New Business and Councilmember Comments

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

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 – Elder Darrin C. Lyons, Bethel Restoration Center

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

D. Presentations
E. Public Hearings

1. Ordinance Granting Conditional Use Permit No. CU-2019-0003 to Taylor Made Holdings NN, LLC., to Allow the Operation of a Private School With Less Than 200 Students, On Property Located at 803 Diligence Drive, Zoned C4 Oyster Point Business

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-2019-0003 TO TAYLOR MADE HOLDINGS NN, LLC., TO ALLOW THE OPERATION OF A PRIVATE SCHOOL WITH LESS THAN 200 STUDENTS, ON PROPERTY LOCATED AT 803 DILIGENCE DRIVE, ZONED C4 OYSTER POINT BUSINESS.

**BACKGROUND:**
- The Faison Center, Inc.'s Peninsula Academy for Autism is adding a location to allow an increase to the number of students they serve. The location allows central access from most of the Hampton Roads region.
- The use is consistent with the *One City, One Future Comprehensive Plan 2040.*
- On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend approval of the request which limited the total number of students to 50.
- Since May 1, 2019, the Department of Engineering has reviewed and approved the applicant's revised Traffic Impact Statement (TIS), which indicates the site can accommodate the traffic generated by a total of 80 students.

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

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

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

FROM: City Manager


Taylor Made Holdings NN, LLC. (owner) and The Faison Center, Inc. (applicant) are requesting a conditional use permit to allow for the operation of a private school for children with autism at 803 Diligence Drive. The approximate 3.2 acre parcel is zoned C4 Oyster Point Business.

The Faison Center’s Peninsula Academy for Autism has been in operation since 2010 at 12749 Nettles Drive. The capacity at that location is limited to 16 students. That location will continue to house the preschool aged children (18 months to 4 years). The new facility will be for students aged 5 to 22 years. The property’s location allows central access from most locations in the Hampton Roads region, which is where their students reside.

On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council limiting the total number of students to 50.

The Planning Commission based their recommendation on an approved Traffic Impact Statement (TIS) for the maximum of 40-50 students initially submitted. A revised TIS for a capacity of up to 80 students was subsequently submitted and under review by the Department of Engineering but was not approved at the time of the Planning Commission hearing. This revised TIS has now been approved by the Department of Engineering and the documents are attached.
The Honorable City Council  
Page 2  
Conditional Use No. CU-2019-0003  
May 22, 2019

The use is in conformance with the *One City, One Future Comprehensive Plan 2040* land use map. It is compatible with the Oyster Point/City Center regional center recommendation to include institutional uses with a regional reach.

I recommend approval, with an amendment to condition number 1 as indicated below:

1. The total number of students permitted at this location shall not exceed 80.

\[Signature\]  
Cynthia D. Rohlf

CDR:SWM:sgd

Attachment

cc: Sheila W. McAllister, Director, Department of Planning
CONDITIONAL USE PERMIT NO. CU-2019-0003
Taylor Made Holdings NN, LLC.

OWNER/APPLICANT: Taylor Made Holdings NN, LLC. / The Faison Center, Inc.

LOCATION: 803 Diligence Drive

PRESENT USE: Vacant Building

REQUEST: Private school with less than 200 students for children with autism

ZONING: C4 Oyster Point Business

ONE CITY, ONE FUTURE: Regional Commercial

ACREAGE: 3.23 acres

FACTS

North: McCale professional offices on properties zoned C4 Oyster Point Business
South: Executive Center and Rose & Womble professional offices on properties zoned C4 Oyster Point Business
East: Technology Center professional offices on properties zoned C4 Oyster Point Business
West: Town Park professional offices on property zoned C4 Oyster Point Business

Zoning History: C4 Oyster Point Business since the citywide comprehensive rezoning became effective August 1, 1997. (See Appendix A-1)

Regulatory Review: The site plan provided indicates a total of 159 parking spaces that can be used for all building occupants. Given the type of educational services provided, the school's parking requirement will be 1 parking space per employee. Based on 46-50 employees, the school is required to provide a total of 46-50 parking spaces. There are 132 parking spaces on portion of the site used by the Faison School. The building is 16,000 square feet and although a future expansion to occupy the entire building is contemplated,
originally, the school will occupy only the rear 10,000 square feet. The owner, TaylorMade diagnostics and Southern Physical Therapy will occupy the front of the building facing Diligence Drive. There are 27 parking spaces including 2 handicap spaces directly in front of the entrance to the office use which exceed the required 20 spaces for professional offices. (See Appendix A-2.)

Because of its location within Oyster Point, the property is subject to certain restrictions and covenants that require additional review and approval from the Economic Development Authority of the City of Newport News (EDA). The EDA must approve any specific use within Oyster Point, provided that the use is permitted within the zoning district in which the property is located. After reviewing the application, the EDA has granted approval of the proposed use. On March 1, 2019, the EDA also approved the proposed exterior modifications, including the installation of the playground. (See Appendix A-6.)

The Department of Engineering reviewed and approved a Traffic Impact Statement (TIS) prepared by the Timmons Group, dated January 31, 2019. The department agreed with their findings that no improvements are required for the use. The analysis done for that TIS was based on traffic generated by 40 students and 48 staff. (See Appendix A-7.)

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

**Comprehensive Plan Review**

The *One City, One Future Comprehensive Plan 2040* land use map designates regional commercial uses for the property. The plan also identifies the area as the Oyster Point/City Center regional center. Regional centers are described as large, mixed use places providing business, shopping, entertainment, cultural and employment opportunities. Included in the land uses recommended for regional activity centers are educational institutions. The proposed use is consistent with those recommendations. (See Appendix A-3.)

**ANALYSIS**

The Peninsula Academy for Autism, which was acquired by The Faison Center in spring of 2018, has been in operation since 2010 at its present location at 12749 Nettles Drive. The capacity at that location is limited to 16 students. That location will continue to house the preschool aged children (18 months to 4 years). The new facility will be for students aged 5 to 22 years, and at a maximum of 8 students per classroom will originally have the capacity to house 40 students within the proposed 5 classrooms. If the school were to expand to occupy the entire building, there would be an additional 5 classrooms that could increase the number of students to 80. Although, the applicant submitted a revised TIS that addresses the impact of having 80 students and 86 staff members on the site, the Department of Engineering was not allowed sufficient time to review it. However, a preliminary review of the statement raised some questions about the internal circulation and how cueing of the school buses might result in an
impact to traffic circulating on Diligence Drive. Given that, the amended TIS for the 80 students and 36 staff members is not approved, Planning staff is not in a position to recommend approval of the proposed capacity expansion. Based on the original approved TIS a condition limiting the capacity to a maximum of 50 students is recommended.

The Faison Center, which is licensed by the Department of Education and accredited by the Virginia Association of Independent Specialized Education Facilities as well as the Comprehensive Application of Behavior Analysis to Schooling (CABAS) Board, serves students between the ages of 18 months to 22 years. It is comprised of a lower school program for students up to 11 years of age, a middle school program for students 11 to 14 years of age and an upper school program for students 14 to 22 years of age. The students they serve present complex neurological and behavioral challenges that are too severe for public school. Due to the lack of resources in public schools, the need for The Faison Center’s educational services continues to increase. In addition, early diagnosis of autism is driving extensive demand for early education and preschool programs. It is expected that the facility will serve students from Newport News, Hampton, Williamsburg-James City County, York, Chesapeake, Gloucester and Poquoson school districts. (See Appendix A-5.) The central location of the site will provide easy access independent of the students’ place of residency.

The school operates year round and its hours of operation are 7:30 A.M. to 4:00 P.M. for staff, and 8:15 A.M. to 2:15 P.M. for students.

The Center will provide outdoor recreation for their students within a fenced playground at the rear of the property. This area is designed in a way that responds to the behavioral challenges of the population being served, avoiding plant material and high fencing. (See Appendix A-2.)

The Center does not provide transportation for their students, so they will be dropped off and picked up either by school buses from the different school districts or private cars. Staff will be responsible for unloading and loading all students. Staff will be collecting students from the vehicles at 8:10 AM and taking them back to the vehicles at 2:15 PM. It is expected that within a window of about 50 minutes traffic will have left the school both during morning drop-off as well as afternoon pick-up. Per the January 31, 2019, TIS the traffic generated by this use is significantly less than the traffic that could be generated if a variety of professional offices occupied the building. (See Appendix A-7.)

Further, the proposed use is compatible with the surrounding uses because its hours of operation do not conflict with the surrounding businesses. The property’s location allows central access from most locations in Newport News and Hampton Roads. The use and location are consistent with the One City, One Future Comprehensive Plan 2040 regional commercial uses and regional center designations.
CONCLUSION

The proposed use is in conformance with the adopted One City, One Future Comprehensive Plan 2040 land use map. It is compatible with the Oyster Point/City Center regional center recommendation to include institutional uses with a regional reach.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-2019-0003 to allow for the operation of a private school with less than 200 students at 803 Diligence Drive with the following conditions:

1. The total number of students permitted at this location shall not exceed 50.

2. Signage shall be restricted to the existing sign. If the sign is to be replaced at any point, the new sign shall be a monument style sign no taller than 8 feet measured from the highest point of the sign area structure to the top of the curb. The sign shall be no more than 50 square feet. The sign placement, design and materials, shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to the issuance of a sign permit.

3. The site shall be maintained in general conformance with the Schematic Site Plan prepared by the Timmons Group and dated February 1, 2019 found in appendix A-2. All existing landscaping shall be maintained in a healthy condition in perpetuity. Changes to the site shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to performing any work, including removal of existing trees.

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

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

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

7. A Certificate of Use and Occupancy shall be obtained prior to the operation of any business use on the property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

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

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

CPC RECOMMENDATION

On May 1, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council approval of conditional use permit CU-2019-0003 to allow for the operation of a private school with less than 200 students at 803 Diligence Drive with the following conditions:
1. The total number of students permitted at this location shall not exceed 50.

2. Signage shall be restricted to the existing sign. If the sign is to be replaced at any point, the new sign shall be a monument style sign no taller than 8 feet measured from the highest point of the sign area structure to the top of the curb. The sign shall be no more than 50 square feet. The sign placement, design and materials, shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to the issuance of a sign permit.

3. The site shall be maintained in general conformance with the Schematic Site Plan prepared by the Timmons Group and dated February 1, 2019 found in appendix A-2. All existing landscaping shall be maintained in a healthy condition in perpetuity. Changes to the site shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to performing any work, including removal of existing trees.

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

6. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
7. A Certificate of Use and Occupancy shall be obtained prior to the operation of any business use on the property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

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

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

A-1 VICINITY/ZONING MAP
A-2 SITE PLAN, FLOOR PLANS & ELEVATIONS
A-3 ONE CITY, ONE FUTURE COMPREHENSIVE PLAN 2040 LAND USE MAP
A-4 AERIAL MAP
A-5 NARRATIVE
A-6 ECONOMIC DEVELOPMENT AUTHORITY APPROVAL
A-7 TRAFFIC IMPACT STATEMENT
A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 1, 2019
PLAYGROUND LAYOUT EXHIBIT
FAISON 803 DILIGENCE DRIVE, NEWPORT NEWS - JANUARY 30, 2019
SCHEMATIC SITE PLAN ELEVATIONS
FAISON, 803 DILIGENCE DR. NEWPORT NEWS - FEBRUARY 1, 2019
THE PENINSULA SCHOOL AT THE FAISON CENTER
LAND USE NARRATIVE

February 4, 2019

The subject property is located at 803 Diligence Drive. The site contains approximately 3.23 acres and is zoned C4 – Oyster Point Business District. The property is designated Regional Commercial on the Comprehensive Plan Future Land Use Map.

The existing 16,000 sf single-story building on the property was previously occupied by a for-profit college (Everest College), although the property has been vacant for a number of years. The building is being demised to accommodate several different users. The Applicant and Owner of the property, TaylorMade Diagnostics, and Southeastern Physical Therapy will occupy approximately 8,000 sf at the front of the building facing Diligence Drive. Together, TaylorMade and Southeastern Physical Therapy offer various testing, therapy, workers compensation and other occupational health services.

The Peninsula School at the Faison Center is proposed to occupy the remaining 10,000 sf at the rear of the building. The Peninsula School is currently located at 12749 Nettles Drive in Newport News, and has a current capacity to serve a maximum of 16 students. The Faison Center, a not-for-profit organization specializing in serving the educational, diagnostic, and therapeutic needs of children on the autism spectrum, acquired the Peninsula School in Spring, 2018. Faison is based in Richmond, VA, and currently serves over 200 students and young adults from 28 jurisdictions in the State, ranging in age from 18 months through adulthood.

The Faison School (Richmond) and Peninsula School (Newport News) currently serve students between the ages of 18 months to 22 years and is comprised of a Lower School Program for students up to 11 years old, a Middle School Program for students ages 11 to 14, an Upper School Program for students ages 14 to 22, an Employment Academy Program for students ages 14 to 22, and a Life Skills Program for students ages 16 to 22. Additionally, we serve students who are more independent and studying at grade level in an Independent Learner Program for grades 1-12. Our largest program is for school-aged children (5-16 years of age) whose complex neurological, academic, and behavioral challenges exceed the capacity of the public school system. Thus the need in the area communities for the educational services provided through The Faison School and Peninsula School continues to increase.

Faison Center desires to relocate the current Peninsula School programming to the subject property, in order to increase the school capacity to 40 students initially (with additional lease options to occupy the balance of the building over time). The specific programs that will be housed at the property are the Lower School, Middle School and Upper School described above. It is expected that this facility will serve students initially from the Newport News, Hampton, Williamsburg-James City, York, Chesapeake, Gloucester and Poquoson school districts.

These specific school programs are run with a student / teacher ratio approaching 1:1. Therefore Faison anticipates a total of 46-50 employees at this location daily.

As with all educational services provided by The Faison Center, the Lower, Middle and Upper School are accredited by the Virginia Association of Independent Specialized Education Facilities (VAISEF) and by the CABAS® Board, and are licensed by the Virginia Department of Education.
Physical changes to the property related to Faison's use will be minimal, as illustrated on the plans contained in this submission. The interior spaces of the building will be refurbished to accommodate five classrooms, a multi-purpose activity room, and teacher/staff administrative offices. Exterior improvements will be limited to the installation of a fenced, school playground area connected to the rear entrance to the building (away from Diligence Drive), and parking lot re-striping to facilitate school bus circulation. After these improvements, the property will have 159 total parking spaces.

The site presently has a monument sign which the Applicant proposes to retain. The only change proposed is to replace the existing lenses with lenses bearing the logos of the three new building tenants (image attached).

Currently under an existing building permit, the Applicant/Owner (TaylorMade Diagnostics) is updating the exterior building elevations and landscaping. Other than the addition of the playground, no other exterior improvements are contemplated with the occupancy by The Peninsula School at the Faison Center.
March 4, 2019

Timothy O. Trant, II
Kaufman & Canoles
One City Center
11815 Fountain Way, Suite 400
Newport News, VA 23606

RE: 803 Diligence Drive – Design Review Approval

Dear Mr. Trant:

On March 1, 2019, the Board of Directors of the Economic Development Authority of the City of Newport News, Virginia (EDA Board) met and reviewed your request for approval of digital rendering and building elevations of proposed exterior modifications and proposed landscape plan to be located at 803 Diligence Drive in Oyster Point of Newport News. Upon review, the EDA Board voted to approve your request, subject to all applicable City codes and regulations.

We appreciate your cooperation with our approval processes. Should you have any questions with regard to this approval, please do not hesitate to contact Kalila Walker of my staff at 926-7133.

Sincerely,

[Signature]

Florence G. Kingston
Secretary / Treasurer

FGK:kpw
PA\IDA\IDA18-19\Committees\Design Review\February 2019\803DiligenceDr-Approval Letter.docx

Copy to: The Faison Center
Taylor Made Holdings NN, LLC
Zoning Coordinator
Commercial Building Plans Examiner

Enclosures: Digital Rendering and Building Elevations of Proposed Exterior Modifications and Proposed Landscape Plan
Timmons Group completed the following traffic impact statement for the redevelopment of the Everest College site at 803 Diligence Drive into the Peninsula School campus of the Faison School for Autism. The existing 16,000 SF single-story building on the property was previously occupied by a for-profit college (Everest College) and has been vacant for several years. The Applicant/Owners of the property, TaylorMade Diagnostics and Southeastern Physical Therapy, will occupy approximately 6,000 SF at the front of the building facing Diligence Drive and offer various testing, therapy, workers compensation and occupational health services. The Faison School will occupy the remaining 10,000 SF at the rear of the building.

The existing Peninsula School is currently located at 12749 Nettles Drive in Newport News and has a current capacity of 16 students. The Faison Center, a not-for-profit organization specializing in serving the educational, diagnostic, and therapeutic needs of children on the autism spectrum, acquired the Peninsula School in Spring 2018. The relocation of the school from Nettles Drive to Diligence Drive will allow the school to increase its capacity from 16 to 40 students.

**Existing Conditions**

The proposed Faison School will be located at 803 Diligence Drive, approximately 300’ to the east of the signalized Thimble Shoals Boulevard/Diligence Drive intersection. The site is located on the property formerly occupied by Everest College (see Figure 1). The property is zoned C4 and is within the Oyster Point Business District zoning area. The existing land use is University, College, Business School. There are no proposed changes to the Diligence Drive corridor as a part of this project and all existing entrances and intersections will remain as they exist today.

Diligence Drive is a four-lane, undivided facility with a posted speed limit of 35 MPH that carries an annual average daily traffic (AADT) count of 12,000 vehicles. Diligence Drive is functionally classified as an urban major collector and serves as an east-west connector between Thimble Shoals Boulevard and J. Clyde Morris Boulevard (US Route 17).

The existing site driveway is an unsignalized, stop-controlled southbound approach to a four-leg intersection. The driveway is not striped but wide enough to accommodate one (1) ingress lane and two (2) egress lanes, which allows for vehicles exiting the site to have access to respective left and right turn lanes. The opposing northbound approach is a stop-controlled commercial driveway that consist of one (1) ingress lane and one (1) egress lane that serves left-through-right traffic. The east- and westbound approaches of Diligence Drive consist of two (2) through lanes that allow left and right turns from the respective through lane.

The existing geometry for the study area can be found on Figure 2.
The relative location of the Diligence Drive/site entrance intersection to adjacent commercial entrances and intersections is as follows:

- 300’ east of the signalized intersection of Diligence Drive at Thimble Shoals Boulevard;
- 75’ west of the commercial entrance to 739 B Diligence Drive (opposite side of street);
- 300’ west of the commercial entrance to 739 C Diligence Drive (opposite side of street);
- 400’ west of the commercial entrance to 809 Diligence Drive (same side of street);
- 600’ west of the commercial entrance to 746 Diligence Drive (opposite side of street);
- 675’ west of the commercial entrance to 813 Diligence Drive (same side of street); and
- 925’ west of the signalized intersection of Diligence Drive at Rock Landing Drive; and
- 2,100’ west of the signalized intersection of Diligence Drive at J. Clyde Morris Boulevard.

**Existing Traffic Volumes**

The City of Newport News provided directional turning movement (DTM) count data for the signalized Diligence Drive/Thimble Shoals Boulevard intersection. The data for the Thimble Shoals Boulevard signalized intersection was collected in October 2017.

For your convenience, a copy of the count data is contained in the Appendix A.

The AM and PM peak hours were identified relative to the start and dismissal times of the Faison School. The traffic volumes along Diligence Drive at the site entrance were derived using the volumes from the Thimble Shoals Boulevard intersection data due to its proximity.

The existing AM and PM peak hour traffic volumes are shown on Figure 3.

**Trip Generation/Distribution**

The proposed Faison School for Autism will serve children, from ages 4 to 22, from around the Newport News and Hampton Roads area. The site has an existing 16,000 SF building; 6,000 SF of the building will be reserved for a medical office land use and 10,000 SF will be designated for the Faison School. Site access will be from Diligence Drive only; no through traffic from the surrounding properties and adjoining parking lots will be permitted.

The proposed site plan is shown on Figure 4.

The trip generation estimate for the medical office land was calculated using the square footage as the independent variable and information from Institute of Transportation Engineers’ (ITE) *Trip Generation Manual, 10th Edition*. The trip generation estimate is summarized in Table 1 below:

**Table 1:**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ITE CODE</th>
<th>AMOUNT</th>
<th>UNITS</th>
<th>WEEKDAY AM PEAK HOUR ADT</th>
<th>SCHOOL PM PEAK HOUR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Office Building</td>
<td>730</td>
<td>6,000</td>
<td>SF (GFA)</td>
<td>143 IN 13 OUT 4 TOTAL 17</td>
<td>6 IN 15 OUT 21 TOTAL</td>
</tr>
</tbody>
</table>

Given the unique operational nature of the Faison School, the ITE *Trip Generation Manual, 10th Edition* does not provide a comparable land use code or trip generation calculation.

In order to calculate the estimated traffic volumes for the proposed site, school representatives provided expected bus, parent drop-off, and staff traffic volumes. The current Peninsula School has 16 students and operates with four (4) buses and approximately four (4) parent drop-offs. Per discussions with the client, the Faison School will have 40 students and 48 staff. The school is expected to have eight (8) buses and 10 vehicles on site during the start and dismissal times of the school.

The school site will have one (1) full access entrance on Diligence Drive. All school related trips, (buses, parents, and staff) will enter and exit the site via the Diligence Drive driveway. The curb line along the side of the building is being modified to allow buses to drop off students at the school’s main entrance while also allowing cars to bypass the queue and proceed to the second student drop off point at the rear of the school.

The school buses and parents entering the site will be traveling from Newport News, Hampton, Williamsburg, James City County, York, Chesapeake, Gloucester, and Poquoson from I-64 and enter the site via a right turn from Diligence Drive. For the purposes of this study, it is assumed 75% of the bus and parent traffic will enter from the east and 25% will enter from the west (see Figure 5).

As for the staff, given that Diligence Drive provides access to both Oyster Point to the west and I-64 to the east, it is estimated that staff traffic will be distribute equally (50/50) to the east and west along Diligence Drive. The site-generated traffic for staff is shown on Figure 6.

Site trips generated by the medical office land use are also assumed to be distribute equally (50/50) to the east and west along Diligence Drive. The site-generated traffic for the medical office land use is shown on Figure 7.

The existing traffic volumes (see Figure 3) were combined with the site-generated traffic estimates (see Figures 5, 6, and 7) to calculate the total peak hour traffic volumes (see Figure 8).
Peak Hour Traffic Circulation

The proposed school will have a staff of 48 employees, all of whom are required to be on-site prior to 7:45 AM and the arrival of busses and parent traffic so that they can assist with the unloading of students. In addition, school staff are required to assist with the loading of students at dismissal and leave after all students have been picked up.

Typical daily peak hour operations are summarized as follows:

- **AM Peak**
  - 7:30 – staff arrives at school
  - 7:45 – busses and parents begin to arrive
  - 8:10 – staff unload students from busses and cars
  - 8:35 – all traffic has left the school

- **PM Peak**
  - 1:45 – busses and parents begin to arrive
  - 2:15 – staff load students into busses and cars
  - 2:40 – all traffic has left the school
  - 3:00 – staff departs the school

It should also be noted that the site includes 159 parking spaces, which is significantly more than necessary for the Faison School, divided among three (3) distinct parking fields – front, side, and rear. The parking lot in the front of the building will provide all the parking for the medical office land use; this traffic will not interact with the school traffic. The parking lots to the side and rear of the building will serve the parking and circulation needs associated with the school.

Queuing Analysis

The estimated total volumes (existing + site) shown on Figure 8 were used to perform a capacity and queue analysis utilizing HCM 2000 methodology. The following was reported with respect to the calculated 95th percentile queue lengths:

- **During the AM peak hour**, the maximum queue on the eastbound Diligence Drive approach at the site driveway is 3', which is less than one (1) vehicle length. There are no queues reported for the westbound approach. Both major street approaches operate at LOS A.

- **The only queues at the site driveway during the AM peak hour** are internal to the site. The southbound egress movement will operate at a LOS B with a 15' queue (approximately one (1) vehicle), which is acceptable.

- **During the PM peak hour**, the maximum queue on the eastbound Diligence Drive approach at the site driveway is 2', which is less than one (1) vehicle length. There are no queues reported for the westbound approach. Both major street approaches operate at LOS A.

- **The only queues at the site driveway during the PM peak hour** are internal to site. The southbound egress movement will operate at a LOS C with a 22' queue (approximately one (1) vehicle), which is acceptable.

A copy of the operational analysis outputs from Synchro are provided in Appendix B.
Conclusions

Per the proposed site plan, all access to the proposed Faison School for Autism will be provided via the existing site driveway to 803 Diligence Drive. Modifications to the existing curb and sidewalk are included to improve on-site storage and circulation of bus, parent, and staff traffic.

The anticipated traffic associated with the proposed 40-student school does not require the installation of turn lanes along Diligence Drive or other modifications to the site driveway to maintain acceptable levels of service.

The basis for this conclusion is as follows:

- The proposed Faison School is less traffic intensive than the previous educational use and will not increase traffic volumes at the site driveway.
- Other, more traffic intensive commercial entrances along this section Diligence Drive do not include auxiliary turn lanes.
- There is sufficient on-site storage to ensure that internal queues associated with both buses or parent drop-offs are contained within the parking area and do not impact Diligence Drive.
- The operational analysis shows there are no adverse effects to through traffic on Diligence Drive due to the addition of the site-generated traffic. Minimal queues are reported and Diligence Drive operates at LOS A during both the AM and PM peak hours.
EXCERPTS FROM PLANNING COMMISSION MINUTES

May 1, 2019

CU-2019-0003, Taylor Made Holdings NN LLC  (Deferred from Planning Commission meeting of April 3, 2019) Requests a conditional use permit to operate a private school with less than 200 students for children with autism on property located at 803 Diligence Drive. The parcel contains 3.23 acres and zoned C4 Oyster Point Business. The One City, One Future Comprehensive Plan 2040 land use map recommends regional commercial uses. The Parcel No. is 196.00.01.23.

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

Mr. Simmons asked if there are any concerns regarding the possibility of changing from a 50 to 80 students. Mr. Gleiser stated we have not heard from the Department of Engineering who are reviewing a revised Traffic Impact Statement (TIS). He stated right now we are recommending up to 50 students since the approved TIS covers that number. Ms. Chioros stated originally the applicant indicated the maximum they would have is 50 students at this location. She stated the applicant requested a deferral on April 3, 2019 when we recommended a condition with a maximum number of 50 students. Ms. Chioros stated the applicant has submitted a revised TIS schematic for the 80 students to the Department of Engineering unfortunately we did not receive it until last week and it is not approved at this time. Mr. Simmons stated he does not have a problem with 50 students, he just wants to ensure the Planning Commission is aware of which number of students we are looking at. He asked if 50 students is the recommended number. Mr. Gleiser stated yes.

Ms. Fox asked if we approve the application for 50 students and they decide to expand to 80 students, could they come back and request an additional conditional use permit. Mr. Gleiser stated yes.

Mr. Mulvaney asked if it is possible to approve 50 students today and condition that if the applicant has the TIS approved by the Department of Engineering prior to the City Council public hearing that it would change to 80 students. Mr. Mulvaney stated it appears that the other five classrooms are there and the only thing that is lacking is the Department of Engineering’s approval of the TIS. Ms. Spratley stated one problem with approving a conditional use permit with the provision that 50 students were permitted but they could go up to 80 students if the TIS is approved, is that the TIS may come back with some provision items and the Planning Commission would not have the benefit of knowing. Ms. Spratley stated it is not the best way to do things because you do not know what the details of the TIS will say, even if it suggests that 80 students is permissible. Mr. Mulvaney stated if the application is approved today for 50 students there would be nothing to preclude them from building out internally to prepare for potentially having 80 students, and if the TIS comes back favorable, then the applicant would come back before Planning Commission and then City Council, but it would allow them to meet the school year for this need. Ms. Spratley stated yes, if they are
approved today for 50 students, they can do that. Mr. Gleiser stated right now the plan shows that 6,000 square feet in the front portion of the building is going to be used by the property owner. He stated the school will be operating in 10,000 square feet in the rear portion of the building. Mr. Gleiser stated we were not given a schedule as to when they think they will be expanding into the entire building.

Ms. Willis stated she works in the Oyster Point area and there is another school there that uses buses to transport students to the school. She stated she called the school and was told they have approximately 35 to 50 students and they only have stacking for three busses in their parking lot. Ms. Willis stated that school pulls from the regional area as well.

Mr. Simmons opened the public hearing.

Mr. Tim Trant, 11815 Fountain Way, Attorney for the Applicant, gave a brief presentation of the application (copy attached to record minutes). He stated a supplemental TIS was submitted to the Department of Engineering on April 11, 2019 which estimated and projected what a build-out to accommodate 80 students would look like. Mr. Trant stated we expect that growth will happen over time but there is no specific time line. He stated the Board at Faison is making a significant investment and they are uncomfortable moving forward with any property that would not accommodate, with some relative degree of certainty, their full build-out potential of 80 students in order for the mission of the school to be realized and the economics to support the use over time. Mr. Trant stated The Faison Center is under extreme pressure to open for the start of the school year in late August/early September, and time is critical because we need to go before City Council and get an approval before we can begin our build-out in order to be open and meet commitments to localities that will utilize this facility. He asked that the Planning Commission see fit to recommend approval of the conditional use permit and alter Condition No. 1 to increase the limit from 50 students to 80 students.

Ms. Fox asked with how many students does the school plan to open. Mr. Trant stated the initial build-out would be able to accommodate 40 students. Ms. Fox asked if they are anticipating starting the school with 80 students. Mr. Trant stated no. Ms. Fox asked if it would create an undue hardship if the school started with 50 students. Mr. Trant stated on Day 1 we will only have the right to occupy 10,000 square feet. He stated the applicant is uncomfortable committing to a facility where they do not have assurance of their ability to expand to 80 students. Mr. Trant stated that getting an approval for 50 students and having to come back at a later date to request an amendment to that conditional use permit to expand to 80 students is an undesirable situation for them. He stated they would much prefer the certainty of their ability to expand before they invest in and occupy any facility. Mr. Simmons stated the applicant does not have the square footage requirement to have 80 students right now. Mr. Trant stated no, but we have lease options in our lease agreement with the landlord. He stated if, in the future, the landlord vacates their 6,000 square feet, the applicant would have "first right of refusal" to take over that space. Mr. Trant stated it is part of the applicant's business plan to expand when that space comes available.
Mr. Mulvaney stated he is hearing the applicant did not submit a request for 80 students when they could have, and now they are asking the Planning Commission to do things to accommodate the 80 students when they have a lease condition for it, but not a guarantee. He stated it sounds like a business matter. Mr. Mulvaney stated it also sounds like they will not move forward with the application unless they have 80 students.

Ms. Fox stated she is trying to understand why coming back for a conditional use permit to expand to 80 students at some point in the future would be such an onerous burden.

Mr. Michael Laing, 1812 Hanover Avenue, Richmond, Agent for the Applicant, stated we have a facility in Newport News that is maxed out at 16 kids. He stated part of the reason that Faison acquired the Peninsula School of Autism is because we recognize there is a need here. Mr. Laing stated as an organization, we serve 28 municipalities in Virginia and this is a natural place for us to continue to expand our services. He stated we will open the school in the fall with a minimum of 16 students, who would be coming from the current location. Mr. Laing stated it will take us a period of time to ramp up from 16 students to 40 students, due to the nature of the students we have and the training that is necessary for our staff. He stated if we open in September with 16 to 24 students we may by year-end have 24 to 32 students. Mr. Laing stated one of the appeals about this property is that the landlord occupying space on the property may choose to expand and move, which would allow the applicant to lease additional space within the building as the school grows over the course of several years. Mr. Laing stated the school attendance would not jump from 40 to 80 students immediately, again, it would ramp up based on staff training and demand. He stated when we had our initial meeting with Planning staff to talk about the application, the most immediate thing for us was to have 40 students to get the application moving. Mr. Laing stated another aspect of the plan was having the physical ability to expand. He stated when we learned we would be limited to 50 students we had to defer the application because we did not know a limit would be imposed.

Mr. Simmons stated he would like to echo Mr. Mulvaney's comments in regard to project planning and projecting. He stated moving forward with 50 students with this application is a great start, and as Mr. Laing said, it will take some time to ramp up to 80 students.

Mr. Mulvaney asked if the maximum of 80 students could not be achieved today, would the applicant continue to move forward with the application allowing 50 students or move from the proposed site. Mr. Trant stated that is a decision for the applicant and its Board of Directors. He stated he thinks getting approval for 50 students is the most important thing and having an opportunity to open in the fall.

Mr. Simmons closed the public hearing.

Ms. Fox stated the School for Autism has been a real asset to families on the peninsula for many years and she wishes the applicant nothing but success.
Ms. Fox made a motion to recommend approval of conditional use permit CU-2019-0003 to City Council with conditions. The motion was seconded by Mr. Groce.

**Vote on Roll Call**

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

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-2019-0003 to City Council with conditions.
City of Newport News
Department of Engineering

May 16, 2019

To: Assistant Director Current Planning, F. Chloros

From: Director of Engineering

Subject: Traffic Impact Statement - Faison School 803 Diligence Drive

The Department of Engineering has reviewed and approved the revised Traffic Impact Statement submitted on May 14, 2019, for the Faison School located at 803 Diligence Drive. The analysis addressed the impacts of traffic conditions for the Phase 2 operations with 80 students and 88 staff. Phase 2 site operations will generate 12 school buses and 15 personal vehicles for parent drop off/pick up. The traffic generated by the school does not require the installation of turn lanes along Diligence Drive. The site plan provided in the TIS (Figure 4) details how the site will accommodate site circulation, parking for buses, staff, and parent drop off/pick up.

Please advise if you have any questions or require additional information.

Everett P. Skipper, PE, BCEE

EPS/JMK/wjr

Attachment

pc: Engineer II, B. Parker
To: Bridgette Parker (City of Newport News)
From: Thomas Ruff, PE, PTOE
RE: Faison School, 803 Diligence Drive – Traffic Impact Statement – Phase 2 Addendum
Date: April 11, 2019 (revised 5/9/2019)
Copy: Scott Dunn, AICP, PTP (TG); Steve Worthington, PE (TG)

Timmons Group has completed the following addendum to supplement the previously approved traffic impact statement (submitted 3/1, approved 3/11) for the redevelopment of the Everest College site at 803 Diligence Drive into the Peninsula School campus of the Faison School for Autism.

The existing 16,000 SF single-story building on the property was previously occupied by a for-profit college (Everest College) and has been vacant for several years. Per discussion with the Applicant/Owners of the property (and as represented in the previous traffic impact statement), Phase 1 of the project will provide 10,000 SF of the building to the Faison School and the remaining 6,000 SF for two (2) users – TaylorMade Diagnostics and Southeastern Physical Therapy. This layout was addressed in the previously approved traffic impact statement, submitted on March 1, 2019.

Under Phase 2, TaylorMade Diagnostics and Southeastern Physical Therapy will vacate the premises and the entire 16,000 SF building will be used exclusively the Faison School.

**Existing Conditions**

The existing conditions and traffic volumes from the previously approved traffic impact statement are found on Figures 1, 2, and 3.

The proposed Faison School will be located at 803 Diligence Drive, approximately 300’ to the east of the signalized Thimble Shoals Boulevard/Diligence Drive intersection. The site location can be found on Figure 1.

The existing geometry for the study area can be found on Figure 2.

The existing AM and PM peak hour traffic volumes are shown on Figure 3.
**Trip Generation/Distribution**

The proposed Faison School for Autism will serve children, from ages 5 to 22, from around the Newport News and Hampton Roads area. The site has an existing 16,000 SF building which will be for the exclusive use by the Faison School under Phase 2 conditions. Site access will be from Diligence Drive only; no through traffic from the surrounding properties and adjoining parking lots will be permitted.

The proposed site plan for Phase 2 is shown on Figure 4.

Given the unique operational nature of the Faison School, the ITE *Trip Generation Manual, 10th Edition* does not provide a comparable land use code or trip generation calculation.

Per discussions with the client, the Faison School will have 40 students and 48 staff during Phase 1. The school is expected to have eight (8) buses and 10 vehicles on site during the start and dismissal times of the school during Phase 1.

During Phase 2, the Faison School will have 80 students and 88 staff. Additionally, the school is expected to have 12 buses and 15 vehicles on site during the start and dismissal times of the school during Phase 2. This represents a 50% increase in the number of buses and parent drop-offs, as expected by the Applicant. Figure 4 illustrates the layout of the on-site parking layout for Phase 2.

As shown on Figure 4, all vehicles will enter the site via the full-access entrance on Diligence Drive. Once traffic reaches the first aisle of the parking lot, the entrance becomes one-way. All buses will load/unload in front of the school and then continue north through the parking lot, making a left turn and looping around the western portion of the parking lot before making a right turn onto the main entrance roadway. All other vehicles on site during loading/unloading will utilize the front parking lot.

The school buses and parents entering the site will be traveling from Newport News, Hampton, Williamsburg, James City County, York, Chesapeake, Gloucester, and Poquoson from I-64 and enter the site via a right turn from Diligence Drive. For the purposes of this study, it is assumed 75% of the bus and parent traffic will enter from the east and 25% will enter from the west (see Figure 5).

As for the staff, given that Diligence Drive provides access to both Oyster Point to the west and I-64 to the east, it is estimated that staff traffic will be distribute equally (50/50) to the east and west along Diligence Drive. The site-generated traffic for staff is shown on Figure 6.

The existing traffic volumes (see Figure 3) were combined with the Phase 2 site-generated traffic estimates (see Figures 5 and 6) to calculate the total peak hour traffic volumes (see Figure 7).
Peak Hour Traffic Circulation

During Phase 2, the proposed school will have a staff of 88 employees, all of whom are required to be on-site prior to 7:45 AM and the arrival of buses and parent traffic so that they can assist with the unloading of students. In addition, school staff are required to assist with the loading of students at dismissal and leave after all students have been picked up.

Typical daily peak hour operations are summarized as follows:

- **AM Peak**
  - 7:30 – staff arrives at school
  - 7:45 – buses and parents begin to arrive
  - 8:10 – staff unload students from buses and cars
  - 8:35 – all traffic has left the school

- **PM Peak**
  - 1:45 – buses and parents begin to arrive
  - 2:15 – staff load students into buses and cars
  - 2:40 – all traffic has left the school
  - 3:00 – staff departs the school

It should also be noted that the site includes 159 parking spaces, which is significantly more than necessary for the Faison School, divided among three (3) distinct parking lots – front, side, and rear. All three (3) of these lots will be available to teachers and staff under the Phase 2 scenario, which allows for the parking demands and circulation needs associated with the expanded school to be fully accommodated on-site.

Phase 2 Queueing Analysis

The estimated Phase 2 total volumes (existing + site) shown on Figure 7 were used to perform a capacity and queue analysis utilizing HCM 2000 methodology. The following was reported with respect to the calculated 95th percentile queue lengths:

- During the AM peak hour, the 95th percentile queue on the eastbound Diligence Drive approach at the site driveway is 4’, which is less than one (1) vehicle length and an increase of only 1’ over the Phase 1 queues. As with Phase 1, there are no queues reported for the westbound approach under Phase 2. Both major street approaches operate at LOS A.
- The only queues at the site driveway during the AM peak hour are internal to the site. The southbound egress movement will operate at a LOS C with a 28’ queue (approximately two (2) vehicles), which is acceptable and is approximately 13’ more than the Phase 1 queuing.
- During the PM peak hour, the 95th percentile queue on the eastbound Diligence Drive approach at the site driveway is 4’, which is less than one (1) vehicle length and an increase of only 2’ over the Phase 1 queues. There are no queues reported for the westbound approach under Phase 2. Both major street approaches operate at LOS A.
- The only queues at the site driveway during the PM peak hour are internal to site. The southbound egress movement will operate at a LOS C with a 35’ queue (approximately two (2) vehicles), which is acceptable and is approximately 12’ more than the Phase 1 queuing.

A copy of the operational analysis outputs from Synchro are provided in Appendix B.
Conclusions

Per the site plan, all access to the proposed Faison School for Autism will be provided via the existing site driveway to 803 Diligence Drive. Modifications to the existing curb and sidewalk are included to improve on-site storage and circulation of bus, parent, and staff traffic.

Phase 2 of the site will increase the overall size of the Faison School from 10,000 SF to 16,000 SF. The number of students will increase by 40 and the number of staff will increase by 40. There will be approximately 5 more parent drop-offs and 4 more buses, an increase of 50% over Phase 1 conditions.

The anticipated traffic associated with the expanded Phase 2, 80-student school, again does not require the installation of turn lanes along Diligence Drive or other modifications to the site driveway to maintain acceptable levels of service. There are limited to no queuing issues along Diligence Drive.

The basis for this conclusion concerning Phase 2 development of the Faison School is as follows:

- The proposed Faison School is less traffic intensive than the previous educational use and will not increase traffic volumes at the site driveway.
- There is sufficient on-site storage to ensure that internal queues associated with both buses or parent drop-offs are contained within the parking area and do not impact Diligence Drive.
- The operational analysis shows there are no adverse effects to through traffic on Diligence Drive due to the addition of the site-generated traffic in Phases 1 or 2. Minimal queues are reported, and Diligence Drive operates at LOS A during both the AM and PM peak hours.
Faison School
Traffic Impact Statement
Site Location
Faison School
Traffic Impact Statement
Existing Geometry

Figure 2
NOTE:
Peak hour volumes were chosen based on the peak hour of the proposed school.

AM Peak – 7:30 to 8:30 AM
PM Peak – 3:00 to 4:00 PM

Volumes at the Proposed Site Entrance were taken from the Thimble Shoals Boulevard Intersection due to proximity and no other entrances present between the two intersections.

LEGEND:
00 AM Peak Hour
(00) PM Peak Hour
Existing Road

Faison School
Traffic Impact Statement
Existing Peak Hour Traffic Volumes

Figure 3
TRIP DISTRIBUTION
75% To/From the East/I-64
25% To/From the West

LEGEND:
00 AM Peak Hour
00 PM Peak Hour
Existing Road

Faison School
Traffic Impact Statement
Phase 2 Site-Generated Traffic — Buses/Parent Drop-Offs
Faison School
Traffic Impact Statement
Phase 2 Site-Generated Traffic – Staff

TRIP DISTRIBUTION
50% To/From the East
50% To/From the West

Legend:
00 AM Peak Hour
100 PM Peak Hour
Existing Road
NOTE:
Peak hour volumes were chosen based on the peak hour of the proposed school.

AM Peak – 7:30 to 8:30 AM
PM Peak – 3:00 to 4:00 PM

Faison School
Traffic Impact Statement
Phase 2 Total Peak Hour Traffic Volumes (Existing + Site)

LEGEND:
00 AM Peak Hour
00 PM Peak Hour
Existing Road
APPENDIX A

City of Newport News
Traffic Count Data
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## CITY OF NEWPORT NEWS
### TURNING MOVEMENT COUNT

**File Name:** THIMBLE SHOALS-DILIGENCE  
**Site Code:** 1  
**Start Date:** 10/31/2017  
**Page No:** 2

**THIMBLE SHOALS/DILIGENCE**  
**COUNTED BY:** MS

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- **DILIGENCE DR:** 69.6 30.4 0 0 21.5 0 78.5 0.6 0 0 45.5 54.5 0 0 0 0 0
- **THIMBLE SHOALS BLVD:** 23.1 20.3 0 0 9.3 0 90.7 0.7 0 0 72.8 27.2 0 0 0 0 0

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### Turning Movement Count

**File Name:** THIMBLE SHOALS-DILIGENCE  
**Site Code:** 1  
**Start Date:** 10/31/2017  
**Page No.:** 3

**THIMBLE SHOALS/DILIGENCE**  
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| Total  | 3199 | 6368 | 6075 | 6719 | 9274 | 13087 |
| Percent Combined | 33.4% | 66.6% | 47.5% | 52.5% | 41.5% | 58.5% |
| Total | 9567 | 12794 | 22361 |

| Peak | 11:00 | 04:15 | 07:30 | 00:30 | 00:30 | 00:30 |
| Vol. | 667  | 875   | 1488  | 940   | 940   | 940   |
| P.H.F | 0.860 | 0.882 | 0.914 | 0.900 | 0.900 | 0.900 |
## Traffic Engineering Data Collection

**Site Code:** 383  
**Station ID:**  
**From J.CLYDE to THIMBLE SHOALS**  
**Latitude:** 0° 0.0000Undefined

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### Total

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<td>Peak</td>
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<td>Vol.</td>
<td>13162</td>
<td>13959</td>
<td>18055</td>
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<td>P.H.F.</td>
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<td>Total</td>
<td>6267</td>
<td>13162</td>
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<tr>
<td>Percent</td>
<td>32.2%</td>
<td>87.8%</td>
<td>39.9%</td>
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### ADT

- ADT: 21,834
- AADT: 21,834
APPENDIX B

Phase 2 Synchro HCS Analysis Reports
### HCM Unsignalized Intersection Capacity Analysis

#### Phase 2 AM Peak Hour

**1: Commercial Entrance/Proposed Site Entrance & Diligence Drive**

04/10/2019

<table>
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<tr>
<th>Movement</th>
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<th>EBR</th>
<th>WBL</th>
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<th>NBT</th>
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<tr>
<td>Traffic Volume (veh/h)</td>
<td>51</td>
<td>269</td>
<td>5</td>
<td>5</td>
<td>483</td>
<td>64</td>
<td>5</td>
<td>5</td>
<td>5</td>
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<td>Future Volume (Veh/h)</td>
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<td>5</td>
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<tr>
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<td>0.92</td>
<td>0.92</td>
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<tr>
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<td>292</td>
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<td>5</td>
<td>525</td>
<td>70</td>
<td>5</td>
<td>5</td>
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#### Pedestrians

- Lane Width (ft)
- Walking Speed (ft/s)
- Percent Blockage
- Right turn flare (veh)
- Median type: None
- Median storage veh
- Upstream signal (ft)
- pX, platoon unblocked
- vC, conflicting volume
- vC1, stage 1 conf vol
- vC2, stage 2 conf vol
- vCu, unblocked vol
- tC, single (s)
- tC, 2 stage (s)
- tf (s)
- p0 queue free %
- cM capacity (veh/h)

#### Direction Lane #

<table>
<thead>
<tr>
<th>EB 1</th>
<th>EB 2</th>
<th>WB 1</th>
<th>WB 2</th>
<th>NB 1</th>
<th>SB 1</th>
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<td>151</td>
<td>268</td>
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<td>8</td>
<td>10</td>
<td>10</td>
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#### Intersection Summary

- Average Delay: 2.6
- Intersection Capacity Utilization: 45.9%
- ICU Level of Service: A
- Analysis Period (min): 15

---

803 Diligence Drive - Proposed Faison School for Autism
Synchro 9 Report
Timmons Group (TR)
### HCM Unsignalized Intersection Capacity Analysis

#### Phase 2 Total School PM Peak Hour

1: Commercial Entrance/Proposed Site Entrance & Diligence Drive

**04/10/2019**

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<tr>
<th>Movement</th>
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<th>EBT</th>
<th>EBR</th>
<th>WBL</th>
<th>WBT</th>
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<td>Traffic Volume (veh/h)</td>
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<td>5</td>
<td>381</td>
<td>64</td>
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<td>Future Volume (Veh/h)</td>
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<td>5</td>
<td>381</td>
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<td>Hourly flow rate (vph)</td>
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<td>55</td>
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#### Pedestrians

<table>
<thead>
<tr>
<th>Lane Width (ft)</th>
<th>Walking Speed (ft/s)</th>
<th>Percent Blockage</th>
<th>Right turn flare (veh)</th>
<th>Median type</th>
<th>Median storage veh</th>
<th>Upstream signal (ft)</th>
<th>pX, platoon unblocked</th>
<th>vC, conflicting volume</th>
<th>vC1, stage 1 conf vol</th>
<th>vC2, stage 2 conf vol</th>
<th>vCu, unblocked vol</th>
<th>tC, single (s)</th>
<th>tC, 2 stage (s)</th>
<th>tf (s)</th>
<th>p0 queue free %</th>
<th>cM capacity (veh/h)</th>
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</table>

#### Direction, Lane #

| Volume Total  | 247 | 197 | 212 | 277 | 15 | 130 |
| Volume Left   | 55  | 0   | 5   | 0   | 5  | 70  |
| Volume Right  | 0   | 5   | 0   | 70  | 5  | 55  |
| cSH           | 1107| 1700| 1166| 1700| 333| 398 |
| Volume to Capacity | 0.05 | 0.12 | 0.00 | 0.16 | 0.05 | 0.33 |
| Queue Length 95th (ft) | 4   | 0   | 0   | 0   | 4  | 35  |
| Control Delay (s) | 2.2 | 0.0 | 0.2 | 0.0 | 16.3 | 18.4 |
| Lane LOS      | A   | A   | C   | C   |     |     |
| Approach Delay (s) | 1.2 | 0.1 | 16.3 | 18.4 |     |     |
| Approach LOS  | C   | C   |     |     |     |     |

#### Intersection Summary

| Average Delay | 3.0 |
| Intersection Capacity Utilization | 45.4% |
| ICU Level of Service | A |
| Analysis Period (min) | 15 |
ORDINANCE NO. __________

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0003 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A PRIVATE SCHOOL WITH LESS THAN 200 STUDENTS ON A SITE ZONED C4 OYSTER POINT BUSINESS DISTRICT.

WHEREAS, application number CU-2019-0003 has been made by TAYLOR MADE HOLDINGS NN, LLC, owner, and THE FAISON CENTER, INC., applicant, for a conditional use permit for the hereinafter described property for the purpose of operating a private school with less than 200 students on a site zoned C4 Oyster Point Business District; and

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

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

(a) That conditional use permit number CU-2019-0003 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a private school with less than 200 students on a site zoned C4 Oyster Point Business District; and

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

All that certain lot, piece or parcel of land, and improvements thereon, situate, lying and being in the City of Newport News, Virginia, known and designated as Lot 250-B as shown on a certain plat entitled, "RESUBDIVISION OF LOT 250 OYSTER POINT SECTION TWO, CITY OF NEWPORT NEWS, VIRGINIA" dated March 26, 1990, and made by Sledd & Associates, P.C. Engineers Planners Surveyors and recorded August 13, 1998, in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, in Deed Book 1516 page 317, to which reference is here made.

The Property has a common street address of 803 Diligence Drive and Real Estate Assessor's Tax I.D. #196.00-01-23.

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

1. The total number of students permitted at this location shall not exceed 80.

2. Signage shall be restricted to the existing sign. If the sign is to be replaced at any point, the new sign shall be a monument style sign no taller than 8 feet measured from the highest point of the sign area structure to the top of the curb. The sign shall be no more than 50 square feet. The sign placement, design and materials, shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to the issuance of a sign permit.

3. The site shall be maintained in general conformance with the Schematic Site Plan prepared by Timmons Group and dated February 1, 2019, found in Appendix A-2, a copy of which is attached hereto and made a part hereof. All existing landscaping shall be maintained in a healthy condition in perpetuity. Changes to the site shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to performing any work, including removal of existing trees.

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

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

6. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
7. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

8. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

9. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.

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

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

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:
1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of May 28, 2019, or,

2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.
SCHEMATIC SITE PLAN
FAISON 803 DILIGENCE DRIVE, NEWPORT NEWS - FEBRUARY 1, 2019
SCHEMATIC SITE PLAN ELEVATIONS
FAISON, 803 DILIGENCE DR. NEWPORT NEWS - FEBRUARY 1, 2019
E. Public Hearings

2. Ordinance Granting Conditional Use Permit No. CU-2019-0004 to North Riverside Baptist Church and City Life Church to Allow the Operation of a Pre-School or Day School With Child Care As Part of a Community Facility Located at 311 Selden Road, Zoned R3 Single-Family Dwelling

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-2019-0004 TO NORTH RIVERSIDE BAPTIST CHURCH AND CITY LIFE CHURCH, TO ALLOW THE OPERATION OF A PRE-SCHOOL OR DAY SCHOOL WITH CHILD CARE AS PART OF A COMMUNITY FACILITY LOCATED AT 311 SELDEN ROAD, ZONED R3 SINGLE-FAMILY DWELLING.

BACKGROUND: • The proposed pre-school and child care will provide a needed service to parishioners, the surrounding residential neighborhood and students at Riverside Elementary School.

• The use is consistent with the One City, One Future Comprehensive Plan 2040.

• On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend approval of the request.

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

FISCAL IMPACT: N/A

ATTACHMENTS:
Description
Memo to HCC re CU-2019-0004 NRBC & CLC 5.22.19
Staff Report and CPC Minutes
sdm16857 CU-2019-0004 re North Riverside Baptist Church and City Life Church
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council
FROM: City Manager
SUBJECT: CU-2019-0004 – North Riverside Baptist Church & City Life Church

North Riverside Baptist Church & City Life Church are requesting a conditional use permit to allow for the operation of a pre-school or day school with child care as part of a community facility located at 311 Selden Road. The 5.38 acre property is zoned R3 Single-Family Dwelling.

The facility has an annex dedicated to educational uses that is well suited to house the proposed use. The pre-school, with a capacity for 32 children, will occupy space on the first floor, while the before and after school program, with a capacity of up to 64 children, will be housed on the second floor of the educational building.

The use is consistent with the One City, One Future Comprehensive Plan 2040 land use map. On May 1, 2019, the City Planning Commission voted unanimously, 9:0 to recommend approval of the request to City Council.

Cynthia D. Rohlf

CDR:SWM:sgd

Attachment

cc: Sheila W. McAllister, Director, Department of Planning
APPLICATION No. CU-2019-0004
311 Selden Road
CONDITIONAL USE PERMIT NO. CU-2019-0004
NORTH RIVERSIDE BAPTIST CHURCH & CITY LIFE CHURCH

OWNER/APPLICANT  North Riverside Baptist Church & City Life Church

LOCATION  311 Selden Road

PRESENT USE  Church

REQUEST  Operation of a pre-school or day school with child care as part of a community facility

ZONING  R3 Single-Family Dwelling (Appendix A-1)

ONE CITY, ONE FUTURE  Community Facilities (Appendix A-4)

ACREAGE  5.38 acres

FACTS

North, West, and South East  Single-family dwellings on properties zoned R3 Single-Family Dwelling Riverside Elementary School on property zoned P1 Park (See Appendix A-1.)

Zoning History  The property has been zoned R3 Single-Family Dwelling since the citywide comprehensive rezoning became effective August 1, 1997.

Regulatory Review  Section 45-402 of the city's zoning ordinance permits a pre-school or day school with a child care center as part of a community facility in the R3 Single-Family Dwelling district with the approval of a conditional use permit.

Although North Riverside First Baptist Church operated a before and after school child care program at this location, since the late 1990's, the use was
not permitted and never received any permits from the city. As part of this application, City Life Church is proposing a before and after school program in conjunction with the proposed pre-school.

The Commonwealth of Virginia Department of Social Services licenses, regulates, and monitors child care providers. If the license is issued to the child care provider, all State regulations apply. Religious institutions can apply to the State for exemption from the State licensing requirements. However, because the use requires a conditional use permit, the city has consistently conditioned that religious facilities obtain licensing from the Virginia Department of Social Services. City Life Church plans to apply for this religious exemption, given that, a condition that limits the KidLife Club as a ministry of the church is proposed.

The zoning ordinance requires one parking space per employee in addition to on-site circulation for the safe drop-off and pickup of children. The preschool or day school with child care center will employ a staff of up to 10, and is required to provide 10 parking spaces. The site plan indicates the provision of 61 on-site parking spaces and a circulation pattern that allows one-way vehicular circulation on the site. (See Appendix A-2.) The site has a secondary means of ingress/egress off of Shoe Lane that is gated and should only be open when religious services are taking place. Access for the school and daycare shall be only from the main entrance on Selden Road.

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

**Comprehensive Plan Review**

The *One City, One Future Comprehensive Plan 2040* land use map designates community facilities uses for the property. The proposed pre-school or day school with or without child care will operate as part of a community facility (church) and is compatible with the designation. (See Appendix A-4.)

**ANALYSIS**

The church is centrally located within a large single-family residential neighborhood directly across the street from an elementary school. Currently City Life Church leases the facility. However, North Riverside Baptist Church is in the process of transferring primary ownership of the property to City Life Church, which wishes to expand their ministry by offering a pre-school with child care that is able to provide full-time child care services for families in the community. The ministry which is known as KidLife Club will accept children that will range in age from 2 1/2 to 5 years old. The number of preschool children served on a typical day is anticipated to be up to 32. The hours of operation are from 6:00AM until 6:00PM Monday through Friday, excluding holidays. In addition the church will offer a before and after school program for children from grades K-5 and will be open from 7:00AM to 9:00AM and from 3:30PM to 5:30PM for a maximum enrollment of 64.
The Virginia Uniform Statewide Building Code requires a minimum of 35 square feet of designated indoor floor space per child for this type of use. The preschool will utilize existing classrooms on the first floor of the education building. Two of the classrooms allow for an occupancy of 10 children each, while the other 2 can serve a maximum of 6 children each. A criterion for state licensing is the provision of outdoor play area at a ratio of 75 square feet per child. Based on an enrollment of 32 children, an outdoor play area of at least 2,400 square feet would be required. The site plan indicates a fenced open area of over 6,000 square feet at the rear of the building. (See Appendix A-3.)

The before and after school care program will operate on the second floor of the education building occupying 6 different rooms. Four of the classrooms are 203.5 square feet each, while the remaining 2 rooms measure at 843 and 571 square feet for a total 2,228 square feet allowing for a maximum occupancy of 64 children. Given the adjacency to Riverside Elementary this program will provide a needed service for the students and parents. (See Appendix A-3.)

Although the education building contains other classrooms that could allow for potential growth of the programs, the church wants to limit the programs to the designated classrooms. Given that, the capacity is limited to no more than 32 children in the pre-school and 64 in the before and after school program.

North Riverside Baptist operated the before and after school program undetected for over 20 years. During this time there have been no complaints concerning that use, therefore, the continuation of the use in conjunction with the proposed pre-school should have no negative impacts on the neighborhood.

Residential uses abut to the north, east and west of the site and Riverside Elementary school is to the south across from the church’s parking lot. There generally is some noise associated with children playing outside, as well as with vehicular traffic during the pick-up and drop-off times. However, the proposed pre-school with child care should have minimal impact on the abutting residences. The children will not be outside for extended periods of time during the day and pick-up and drop-off would be on the side of the property that abuts Riverside Elementary school.

CONCLUSION

The location of the proposed pre-school or day school with child care as part of a community facility is well suited to provide a needed service to the surrounding residential neighborhood as well as parents of students at Riverside Elementary. The use will be no more impactive than the nearby school. It is consistent with the One City, One Future land use plan. The proposed use should not adversely impact the surrounding community.
STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-2019-0004 to allow for the operation of a pre-school or day school with or without child care as part of a community facility at 311 Selden Road with the following conditions:

1. The applicant shall obtain and maintain the required license for a child care center from the Virginia Department of Social Services. The pre-school or day school with or without child care shall comply with the appropriate license requirements, standards, and regulations administered by the State of Virginia’s Department of Social Services.

2. The pre-school or day school with child care shall not be leased to an entity different from City Life Church.

3. The pre-school shall operate only within the 1st floor 4 classrooms designated as “Day Care” as shown in the Partial Floor Plan A-1, prepared by Robert D. Webb, dated November 29, 2018 and noted as Appendix A-3. The total number of children permitted in the pre-school shall not exceed 32 children and shall be in accordance with the Virginia Uniform Statewide Building Code.

4. An outdoor fenced play area shall be provided on-site in accordance with the State of Virginia’s standards for a licensed child care center. If new fencing is required, the Director of Planning shall review and approve the location and design of the play area fencing.

5. The before and after school care program shall operate only within the 2nd floor 6 classrooms designated as “BASP” as shown in the Partial Second Floor Plan A-3, prepared by Robert D. Webb, dated February 28, 2019 and noted as Appendix A-3. The total number of children permitted in the before and after school care program shall not exceed 64 children.

6. The pre-school or day school with child care shall maintain a designated parking area for its employees and shall maintain a one-way circulation pattern for the pickup and drop off of children.

7. The gate at the secondary entrance from Shoel Lane shall be opened only during church/worship services and shall remained close at all other times.

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

9. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan
is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

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

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

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

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

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

**CPC RECOMMENDATION**

On May 1, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council approval of conditional use permit CU-2019-0004 to allow for the operation of a pre-school or day school with or without child care as part of a community facility at 311 Selden Road with the following conditions:
1. The applicant shall obtain and maintain the required license for a child care center from the Virginia Department of Social Services. The pre-school or day school with or without child care shall comply with the appropriate license requirements, standards, and regulations administered by the State of Virginia's Department of Social Services.

2. The pre-school or day school with child care shall not be leased to an entity different from City Life Church.

3. The pre-school shall operate only within the 1st floor 4 classrooms designated as "Day Care" as shown in the Partial Floor Plan A-1, prepared by Robert D. Webb, dated November 29, 2018 and noted as Appendix A-3. The total number of children permitted in the pre-school shall not exceed 32 children and shall be in accordance with the Virginia Uniform Statewide Building Code.

4. An outdoor fenced play area shall be provided on-site in accordance with the State of Virginia's standards for a licensed child care center. If new fencing is required, the Director of Planning shall review and approve the location and design of the play area fencing.

5. The before and after school care program shall operate only within the 2nd floor 6 classrooms designated as "BASP" as shown in the Partial Second Floor Plan A-3, prepared by Robert D. Webb, dated February 28, 2019 and noted as Appendix A-3. The total number of children permitted in the before and after school care program shall not exceed 64 children.

6. The pre-school or day school with child care shall maintain a designated parking area for its employees and shall maintain a one-way circulation pattern for the pickup and drop off of children.

7. The gate at the secondary entrance from Shoe Lane shall be opened only during church/worship services and shall remained close at all other times.

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

9. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

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

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

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

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

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

A-1 VICINITY/ZONING MAP
A-2 SITE PLAN
A-3 FLOOR PLANS
A-4 ONE CITY, ONE FUTURE 2040 COMPREHENSIVE PLAN LAND USE MAP
A-5 AERIAL MAP
A-6 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 1, 2019
North Riverside Baptist Church & City Life Church

CU-2019-0004
EXCERPTS FROM PLANNING COMMISSION MINUTES

May 1, 2019

CU-2019-0004, North Riverside Baptist Church and City Life Church. Requests a conditional use permit to allow for the operation of a pre-school with child care center as part of a community facility on property located at 311 Selden Road. The parcel contains 5.38 acres and zoned R3 Single-Family Dwelling. The One City, One Future Comprehensive Plan 2040 land use map recommends community facilities uses. The Parcel No. is 237.00.03.32.

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

Ms. Willis asked if Condition No. 1 is a conflicting statement or, if the condition is met when they file for religious exemption because they are a church. Mr. Gleiser stated the condition met is with the religious exemption.

Mr. Simmons opened the public hearing.

Pastor Fred Michaux, 311 Selden Road, Applicant, thanked Planning staff for their assistance and stated he is available for questions.

Ms. Stodghill asked if school buses would be stacked in the parking lot. Pastor Michaux stated no, the only vehicular traffic would be parents in their personal vehicles picking up and dropping off children.

Ms. Fox asked if the before and after school program was operated under the auspices of North Riverside Baptist Church. Pastor Michaux stated yes.

Mr. Simmons read an email submitted by Ms. Jean Anderson, sent to Saul Gleiser regarding a concern about the gate (copy attached to record minutes).

Mr. Simmons asked if the gate issue has been vetted and worked through. Pastor Michaux stated we are going to comply with whatever is required of us based on the ordinances in place.

Mr. Carpenter asked how do we define a religious service, and when the gate would be opened or shut. Pastor Michaux stated North Riverside Baptist Church has dissolved, and City Life Church is taking over the property. He stated he is not in a place to speak for how the opening and closing of the gate has been maintained by the previous owner, but he can say that as the new owner we are going to comply with the ordinances that are in place. Pastor Michaux stated if the gate needs to be closed when there is no worship service taking place, then we are going to make sure it is closed. He stated his understanding is that the definition of a worship service would be a gathering and not a bible study or a small group.
Ms. Stodghill asked if there are 64 kids in the before and after school program, where would the personal vehicles stack. Pastor Michaux stated the parking lot is massive so there is more than enough room for that to happen in the parking lot. Ms. Stodghill asked if there is curbside drop-off, and if so, where the kids are going to be picked up. Pastor Michaux stated the parents will need to park their cars and come into the building to sign their kids in and out of the program.

Mr. Simmons closed the public hearing.

Mr. Groce made a motion to recommend approval of conditional use permit CU-2019-0004 to City Council with conditions. The motion was seconded by Mr. Carpenter.

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

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-2019-0004 to City Council with conditions.
ORDINANCE NO.

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0004 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A PRE-SCHOOL WITH CHILD CARE CENTER AS PART OF A COMMUNITY FACILITY IN AN R3 SINGLE FAMILY DWELLING DISTRICT.

WHEREAS, application number CU-2019-0004 has been made by NORTH RIVERSIDE BAPTIST CHURCH and CITY LIFE CHURCH for a conditional use permit for the hereinafter described property for the purpose of the operation of a pre-school with child care center as part of a community facility in an R3 Single Family Dwelling District; and

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

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

(a) That conditional use permit number CU-2019-0004 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a pre-school with child care center as part of a community facility in an R3 Single Family Dwelling District; and

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

All that certain lot, piece or parcel of land, situate, lying and being in the City of Warwick, (formerly Newport Magisterial District of Warwick County,) Virginia, and being more particularly described as follows: Beginning at a point, which said point is in the Northwesterly line of a thirty (30) foot roadway (Selden Road) where the Northeasterly property line of the Peninsula Baptist Association intersects the same and from the point of beginning thus established running thence, N. 45° 39' W. a distance of 348.2 feet, more or less, to a point on the property line of Ed C. Tew; thence, N. 42° 33' E. a distance of 25.71 feet to a point marked by a pipe; thence, same course, a distance of 49.29 feet to a point on the Southeasterly property line of Moore; thence, S. 45° 39' E. a distance of 348 feet, more or less, to a point on the Northwesterly line of said roadway; thence, S. 44° 21' W. a distance of 49.29 feet to a point marked by a pipe; thence, same course, a distance of 25.71 feet to the point or place of beginning.
The Property has a common street address of 311 Selden Road and is assigned Real Estate Assessor’s Tax I.D. #237.00-03-32.

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

1. The applicant shall obtain and maintain the required license for a child care center from the Virginia Department of Social Services. The pre-school or day school with or without child care shall comply with the appropriate license requirements, standards, and regulations administered by the Virginia Department of Social Services.

2. The pre-school or day school with child care shall not be leased to or operated by an entity different from City Life Church.

3. The pre-school shall operate only within the four (4) 1st floor classrooms designated as “Day Care” as shown in the Partial Floor Plan A-1, prepared by Robert D. Web, dated November 29, 2018 and noted as Appendix A-3, a copy of which is attached hereto and made a part hereof. The total number of children permitted in the pre-school shall not exceed 32 children and shall be in accordance with the Virginia Uniform Statewide Building Code.

4. An outdoor fenced play area shall be provided that meets the standards for grounds and outdoor recreation space specified in Title 22 of the Virginia Administrative Code, Section 40-100-170, as amended. The applicant shall be required to adhere to the aforementioned standards irrespective of the type of child care license the applicant obtains. If new fencing is required, the Director of Planning shall review and approve the location and design of the play area fencing.

5. The before and after school care program shall operate only within the six (6) 2nd floor classrooms designated as “BASP” as shown in the Partial Second Floor Plan A-3, prepared by Robert D. Webb, dated February 28, 2019 and noted in Appendix A-3. The total number of children permitted in the before and after school program shall not exceed 64 children.

6. The pre-school or day school with child care shall maintain a designated parking area for its employees and shall maintain a one-way circulation pattern for the pickup and drop off of children.

7. The gate at the secondary entrance from Shoe Lane shall be opened only during church/worship services and shall remain closed at all other times.
8. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.

9. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a health condition for the duration of the use authorized by this permit.

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

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

12. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.

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

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

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

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of May 28, 2019, or,

2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.
E. Public Hearings

3. 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 Short-Term Rental

ACTION: A REQUEST TO ADOPT AN 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 SHORT-TERM RENTAL.

BACKGROUND:

- This amendment provides a definition of short-term rental in the zoning ordinance.

- On May 1, 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:

- Memo to HCC re Chpt 45 ZT-2019-0004 Ord Amend 5.22.19
- Staff Report and CPC Minutes
- sdm16564 Amending Sec. 45-201 (adding short-term rental)
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Chapter 45 Zoning Text No. ZT-2019-0004 Ordinance Amendment

The request is to amend Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201. Definition of certain words, to add the definition of short-term rental to the zoning ordinance.

The rise of online hosting platforms has created a way for owners to rent out their homes or rooms for short-term stays. Understanding the potential issues that could occur, the General Assembly enacted Virginia Code Section 15.2-983 in 2017, that allowed localities the ability to regulate short-term rental of property through its general land use and zoning authority. While the city currently does not allow for any type of short-term rentals in single-family zoning districts, it is understood that the use is occurring. This amendment provides a definition of short-term rental in the zoning ordinance.

On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the zoning text amendment.

I recommend approval.

[Signature]

Cynthia D. Rolf

CDR:SWM: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 short-term rental to the zoning ordinance.

In 2017, the General Assembly enacted Virginia Code section 15.2-983, that allowed localities to regulate short-term rental of property through its general land use and zoning authority. The rise in popularity of the short-term rental industry through many online hosting platforms has created a way for owners to receive income from their homes by enabling them to rent their homes or rooms in their homes for short-term stays.

Currently, the city does not allow for any type of short-term rentals in residentially zoned districts unless they have gone through the conditional use permit process as a Bed and Breakfast. Short-term rentals have the potential of creating issues for adjacent neighbors and changing the character of neighborhoods. A recent survey by city staff on online platforms found several short-term rentals operating within the city limits.

Creating a balance between protecting neighborhoods and residents, while allowing those residents who want to operate short-term rentals in their homes is what the city seeks to accomplish by allowing the use under certain provisions. The proposed amendment provides a definition of short-term rental in the zoning ordinance.

On January 16, 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-2019-0004.

CPC
RECOMMENDATION

On May 1, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0004.
APPENDIX

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

A-2 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 1, 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 SHORT-TERM RENTAL.

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 short-term rental; 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 short-term rental 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 short-term rental, as follows:

   Short-term rental. A lodging house or room that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge and/or fee for the occupancy.

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

May 1, 2019

**ZT-2019-0004, City of Newport News** Requests an amendment to the zoning ordinance to add the definition of short-term rental in Section 45-201.

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

Mr. Carpenter stated the Regulations Committee vetted and support the proposed zoning text amendment.

Mr. Simmons opened and closed the public hearing.

Mr. Mulvaney made a motion to recommend adoption of zoning text amendment ZT-2019-0004 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-2019-0004 to City Council.
AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY ADDING THE DEFINITION OF SHORT-TERM RENTAL.

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, identified as ZT-2019-0004, to Section 45-201 which would add the definition of short-term rental; 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 short-term rental 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 short-term rental, as follows:

   **Short-term rental.** A lodging house or room that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge and/or fee for the occupancy.

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.

3. That this ordinance shall be in effect on and after July 1, 2019.
E. Public Hearings

4. 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 "B" Residential

**ACTION:** 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 "B" RESIDENTIAL.

**BACKGROUND:**
- The purpose of this amendment is to establish the zoning districts in which short-term rentals will be allowed.
- On May 1, 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:**
Description
Memo to HCC re Chpt 45 ZT-2019-0005 Ord Amend 5.22.19
Staff Report and CPC Minutes
rag1571 Amending Sec. 45-402, Summary of uses by district (short-term rental)
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Chapter 45 Zoning Text No. ZT-2019-0005 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 short-term rentals would be allowed to operate in the city.

The purpose of this amendment is to establish in which districts the use will be allowed. In 2017, the General Assembly enacted Virginia Code Section 15.2-983 that allowed localities the ability to regulate short-term rental of property through its general land use and zoning authority. Balancing the interests of residents and protecting the character of neighborhoods, while allowing those residents who want to operate short-term rentals in their homes the ability to do so, is what the proposed regulations seek to provide. The use will be allowed in residential districts R1, R2, R3, R4 Single-Family, and R5 Low Density Multiple Family Dwelling District.

On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the zoning text amendment.

I recommend approval.

Cynthia D. Rohlf

CDR:SWM: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 short-term rentals will be allowed to operate in the city. The purpose of this amendment is to establish in which districts the use will be allowed.

The city does not currently allow short-term rentals. However, with the rise of online hosting platforms such as Airbnb, Vacation Rental by Owner (VRBO), FlipKey, Booking and HomeAway the opportunity for property owners to rent their homes or rent out rooms has become easier. This type of short-term rental can create some nuisances to adjacent property owners as well as disrupt neighborhoods.

Understanding the potential issues that could occur, the General Assembly enacted Virginia Code section 15.2-983 in 2017, that allowed localities the ability to regulate short-term rental of property through its general land use and zoning authority. Because the use is occurring in single-family neighborhoods, where such uses were never permitted before, except with approval of a conditional use permit as a bed and breakfast, the amendment will permit them understanding the potential nuisances that may arise. Currently, apartments in multiple-family zoning districts allow for short-term stays. Therefore, the city is proposing to limit the use within single-family residential districts.

Balancing the interests of residents and protecting the character of neighborhoods, while allowing those residents who want to operate short-term rentals in their homes the ability to do so, is what the proposed regulations seek to provide.

The amendment recommends that short-term rentals are permitted to operate by-right in the following districts: R1, R2, R3 and R4 Single-Family Dwelling Districts, and R5 Low Density Multiple-Family Dwelling District.

On January 16, 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-2019-0005.

CPC RECOMMENDATION

On May 1, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0005.
APPENDIX

A-1  ARTICLE IV. SUMMARY OF USES BY DISTRICT, SECTION 45-102

A-2  EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 1, 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 “B” RESIDENTIAL.

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-2019-0005, to Section 45-402, Summary of Uses by District, which would add use “B.22. Short Term Rental” to allow such use in the R1 Single-Family Dwelling District, R2 Single-Family Dwelling District, R3 Single-Family Dwelling District, R4 Single-Family Dwelling District, and R5 Low Density Multiple-Family Dwelling District 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 “B.22. Short Term Rental” to allow such use in the R1 Single-Family Dwelling District, R2 Single-Family Dwelling District, R3 Single-Family Dwelling District, R4 Single-Family Dwelling District, and R5 Low Density Multiple-Family Dwelling District 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 “B.22. Short Term Rental” to allow such use in the R1 Single-Family Dwelling District, R2 Single-Family Dwelling District, R3 Single-Family Dwelling District, R4 Single-Family Dwelling District, and R5 Low Density Multiple-Family Dwelling District 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

May 1, 2019

ZT-2019-0005, City of Newport News Requests an amendment to the zoning ordinance to add short-term rentals 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.

Ms. Fox made a motion to recommend adoption of zoning text amendment ZT-2019-0005 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-2019-0005 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 “B” RESIDENTIAL.

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-2019-0005, to Section 45-402, Summary of Uses by District, which would add use “B.22. Short Term Rental” to allow such use in the R1 Single-Family Dwelling District, R2 Single-Family Dwelling District, R3 Single-Family Dwelling District, R4 Single-Family Dwelling District, and R5 Low Density Multiple-Family Dwelling District 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 “B.22. Short Term Rental” to allow such use in the R1 Single-Family Dwelling District, R2 Single-Family Dwelling District, R3 Single-Family Dwelling District, R4 Single-Family Dwelling District, and R5 Low Density Multiple-Family Dwelling District 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 “B.22. Short Term Rental” to allow such use in the R1 Single-Family Dwelling District, R2 Single-Family Dwelling District, R3 Single-Family Dwelling District, R4 Single-Family Dwelling District, and R5 Low Density Multiple-Family Dwelling District 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.

3. That this ordinance shall be in effect on and after July 1, 2019.
E. Public Hearings

5. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance; Article V., General Regulations; By Adding Thereto a New Section, Namely: Section 45-517.1 Short Term Rentals

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING AND REORDAINING CITY CODE CHAPTER 45, ZONING ORDINANCE; ARTICLE V., GENERAL REGULATIONS; BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-517.1 SHORT TERM RENTALS.

BACKGROUND:

• This amendment establishes criteria that must be met to balance allowing short-term rentals, while maintaining the overall character of residential neighborhoods.

• On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the amendment.

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

• The City Manager recommends approval.

FISCAL IMPACT: N/A

ATTACHMENTS:
Description
Memo to HCC re Chpt 45 ZT-2019-0006 Ord Amend 5.22.19
Staff Report and CPC Minutes
sdm16385 Adding Sec. 45-517.1, Short-term rentals
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Chapter 45 Zoning Text No. ZT-2019-0006 Ordinance Amendment

The request is to amend Chapter 45, Zoning Ordinance, Article V. General Regulations to add regulations for short-term rentals to the zoning ordinance.

The amendment establishes criteria for a short-term rental permit. The permit prerequisites require that the dwelling is the home owner’s primary residence for a minimum of 185 days per year, provide for a maximum number of overnight lodgers, that the rental is not used for gatherings or meetings, that the property owner is registered with the zoning administrator and has a business license, and that the house meets all building and health codes.

The proposed regulations are intended to achieve a balance between allowing short-term rentals, while maintaining the overall character of residential neighborhoods. On May 1, 2019, the City Planning Commission voted unanimously 9:0 to recommend adoption of the zoning text amendment.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR:SWM:fdc

Attachment

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

The request is to amend Article V., General Regulations, to add regulations for short-term rentals to the zoning ordinance. This amendment provides regulations to ensure that the operation of short-term rentals within residential neighborhoods is allowed while mitigating the negative impacts to the surrounding residents and neighborhood.

In 2017, the General Assembly enacted Virginia Code section 15.2-983, that allowed localities to regulate short-term rental of property through its general land use and zoning authority. The rise in popularity of the short-term rental industry through many online hosting platforms such as Airbnb, Vacation Rental by Owner (VRBO), FlipKey, Booking and HomeAway has created a way for owners to receive income from their homes and rooms. While the city currently does not allow for any type of short-term rentals in single-family zoning districts, except as a bed and breakfast, it is understood that the use is occurring within the city.

Balancing the interests of residents and protecting the character of neighborhoods, while allowing those residents who want to operate short-term rentals in their homes is what the proposed regulations seek to provide. Understanding the change in the character of neighborhoods with the introduction of transient occupants who are not vested in maintaining the neighborhood and protecting the quality of life for their neighbors was key in the proposed regulations. The regulation will allow the city the ability to know the location of the use and monitor its impact. Other considerations centered on the responsibilities of the property owner, on-site requirements, safety of the inhabitants, reduction of noise concerns and number of lodgers.

The amendment establishes criteria for a short-term rental permit that addresses these items by requiring that the dwelling unit must be used by the owner as their primary residence for a minimum of 185 days per year, that the maximum number of overnight lodgers is no more than 6, that parking be provided on-site, that the residence provides working fire extinguishers, smoke detectors, and carbon monoxide detectors, and complies with all city and state building and health codes. It further limits the short-term rental by not allowing simultaneous rentals to numerous parties, or the use of the short-term rental for gatherings or meetings.

The property owner of the short term rental would be required to register with the zoning administrator and be issued a short-term rental permit that meets all requirements. The property owner would be responsible for maintaining a registry of all rentals, obtaining a business license, payment of all transient occupancy taxes and be current on their real property taxes to the city. Provided the short-term rental owner abides by all requirements, they would be eligible to renew the short-term permit annually.

The proposed regulations are intended to achieve a balance between
allowing short-term rentals while maintaining the overall character of residential neighborhoods.

On January 16, 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-2019-0006.

**CPC RECOMMENDATION**

On May 1, 2019, the Planning Commission voted unanimously (9:0) to recommend to City Council adoption of zoning ordinance text amendment ZT-2019-0006.
APPENDIX

A-1  ARTICLE V. GENERAL REGULATIONS, SECTION 45-517.1, SHORT-TERM RENTALS.

A-2  EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 1, 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 45-517.1, SHORT TERM RENTALS.

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., In General, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Section 45-517.1, Short term rentals, as follows:

CHAPTER 45

ZONING ORDINANCE

ARTICLE V. IN GENERAL

Sec. 45-517.1. Short-term rentals.

(1) A short-term rental shall only be allowed where:

a. The dwelling unit is used by the owner as his/her primary residence, which means that he/she resides there for at least one hundred eighty-five days during each year;

b. The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the owner occupies as his/her primary residence and shall not be in a detached accessory building;

c. The maximum number of overnight lodgers on any night of a short-term rental shall be no greater than six (6);

d. Three on site parking spaces shall be provided;

e. A short-term rental shall not include simultaneous rentals under separate contracts;
f. A short-term rental shall have working fire extinguishers, smoke detectors and carbon monoxide detectors, and all such equipment shall be accessible to overnight lodgers at all times;

g. Any bedroom used in a short-term rental shall have a closet and it shall have a door that separates such bedroom from other parts of the short-term rental;

h. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fund-raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited;

i. A short-term rental shall comply with requirements of the Virginia Uniform Statewide Building Code, as determined by the Building Official;

j. A short-term rental that is equipped with a swimming pool shall comply with the provisions of Chapter 39, Swimming Pools, of the City Code; and

k. A short-term rental shall comply with Article VIII of Chapter 40 of the City Code pertaining to the payment of transient occupancy tax.

(2) The following shall be filed with the zoning administrator with any application for a short-term rental permit:

a. Contact information for the owner of the short-term rental.

b. Proof of the applicant’s ownership of, and permanent residence at the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant’s driver’s license or voter registration card showing the address of the property, or other document(s) which the zoning administrator determines provides equivalent proof of permanent residence by the applicant at the property that is the subject of the application.

c. A floor plan of the short-term rental which identifies the location and number of bedrooms in the dwelling and the location of the items required in subsection 1(f) of this section.

d. A permit fee in the amount of one hundred and fifty dollars ($150.00).

(3) Use of a short-term rental shall require a permit issued by the zoning administrator. The owner of the short-term rental shall operate the same under all conditions of the issued permit, and subject to the following:

a. The owner of a short-term rental shall certify, in writing, compliance with the
provisions of subsection (1) a through k of this section.

b. The owner of a short-term rental must obtain a business license from the commissioner of the revenue prior to operation of the short-term rental. The business license must remain current and active while operating.

c. The owner of a short-term rental must maintain a registry showing the names, addresses and telephone numbers of all short-term rental occupants. The owner must allow the zoning administrator and his/her designee to inspect such registry upon reasonable advance notice, to verify that the short-term rental is being operated in accordance with the provisions of this section and all conditions of the permit.

d. A short-term rental permit shall be valid for one year from the date of issuance.

e. It is the responsibility of the owner to renew the permit prior to expiration, by submitting an updated application as required in section 45-517.1(2) above.

f. The payment of all real property taxes assessed against the short-term rental property must be current prior to the issuance of a short-term rental permit.

g. A short-term rental permit requires the owner to agree to abide by all requirements of this zoning ordinance, and all other applicable federal, state and local laws.

h. A short-term rental permit may be revoked by the zoning administrator as set forth below; an applicant, or related owner whose short-term rental has been revoked pursuant to this paragraph, shall not be eligible to receive any new short-term rental permit for two years:

1. In the event that there are three or more violations recorded by the City within a one year period; or

2. For failure to comply with the regulations set forth in this section, and any permit conditions; or

3. For refusal to cooperate with the City in a complaint investigation, including allowing the zoning administrator or his/her designee to enter the dwelling unit upon reasonable advance notice as required by section 45-3501(a).
(4) Failure of an owner required to register a short-term rental with the city shall result in a penalty in the amount of five hundred dollars ($500.00). Unless and until the owner pays the penalty and registers such property, he/she may not continue to offer such property for short-term rental.

(5) Upon repeated violations of this section, as it relates to a specific short-term rental property, an owner may be prohibited from registering and offering such property for short-term rental.
EXCERPTS FROM PLANNING COMMISSION MINUTES

May 1, 2019

ZT-2019-0006, City of Newport News Requests an amendment to the zoning ordinance to add general regulations for short-term rentals, Section 45-517.1.

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

Ms. Stodghill asked if parking must be on-site, does that mean no parking on the street. Ms. Chloros stated the proposed regulation requires a minimum of three parking spaces on-site. Ms. Stodghill asked if guests can still park on the street. Ms. Chloros stated when you have a residence, two spaces are required to be on your property so the addition of a short-term rental requires an additional parking space to be on the site. She stated if you have public street parking we cannot prohibit anyone from parking there, but many of our neighborhoods require residential parking permits and that would restrict on-street parking. Ms. Stodghill stated if you cannot have any more than six guests and the parking is provided on-site, not all six guests are required to park on-site. Ms. Chloros stated we are not assuming that six different people are going to show up in six different cars. She stated we also do not allow for multiple rentals to different people, so it is essentially a family or a group of people that are coming together. Ms. Chloros stated they could have more than one car, but they would have at least three on-site spaces to park. Ms. Stodghill stated in each building you can have a maximum of six unrelated people renting rooms. Ms. Chloros stated that is correct. Ms. Stodghill stated they can all come with six different cars. Ms. Chloros stated potentially, they could. Ms. Stodghill asked if they would all have to park on-site. Ms. McAllister stated the ordinance states some parking is provided on-site, not that all of the parking has to be provided on-site. Ms. McAllister stated if you have a dwelling with no on-site parking, then you cannot get a permit. Ms. Stodghill stated if you have six people renting a building with six cars, three of them could park on-site. Ms. Chloros stated yes, according to the regulations, you need to have a minimum of three parking spaces on-site. She stated six people is the maximum allowed in the rental, but we are assuming that it is not six people with six cars.

Ms. Stodghill asked what is the definition of a boarding house. Ms. Chloros read “a boarding house is an owner-occupied building other than a hotel or motel where for compensation, lodging with or without meals is provided for four or more people.” She stated boarding houses are not allowed in single-family neighborhoods and are only permitted in R7, R8 or C3 with a conditional use permit. Ms. Chloros stated short-term rentals are being proposed in single-family neighborhoods. She stated there will be some nuisances, but part of the need for the regulation is that the use is already occurring and the regulations would allow our Zoning Administrator a way to address potential nuisances. Ms. Stodghill stated short term rentals are allowed in R1, R2, R3, R4 and R5, so there is no overlap with boarding houses. Ms. Chloros stated that is correct.
Ms. Fox asked if the rentals are limited to overnight stays. Ms. Chloros stated it is overnight lodging with a limit on the number of days. She stated commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities or other gatherings for direct or indirect compensation are prohibited.

Mr. Simmons opened and closed the public hearing.

Ms. Fox made a motion to recommend adoption of zoning text amendment ZT-2019-0006 to City Council. The motion was seconded by Mr. Willis.

**Vote on Roll Call**

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

The Planning Commission voted unanimously (9:0) to recommend adoption of zoning text amendment ZT-2019-0006 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 45-517.1, SHORT TERM RENTALS.

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 V., In General, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Section 45-517.1, Short term rentals, as follows:

CHAPTER 45
ZONING ORDINANCE
ARTICLE V. IN GENERAL

Sec. 45-517.1. Short-term rentals.

(1) A short-term rental shall only be allowed where:

a. The dwelling unit is used by the owner as his/her primary residence, which means that he/she resides there for at least one hundred eighty-five days during each year;

b. The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the owner occupies as his/her primary residence and shall not be in a detached accessory building;

c. The maximum number of overnight lodgers on any night of a short-term rental shall be no greater than six (6);

d. Three on site parking spaces shall be provided;

e. A short-term rental shall not include simultaneous rentals under separate contracts;
f. A short-term rental shall have working fire extinguishers, smoke detectors and carbon monoxide detectors, and all such equipment shall be accessible to overnight lodgers at all times;

g. Any bedroom used in a short-term rental shall have a closet and it shall have a door that separates such bedroom from other parts of the short-term rental;

h. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fund-raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited;

i. A short-term rental shall comply with requirements of the Virginia Uniform Statewide Building Code, as determined by the Building Official;

j. A short-term rental that is equipped with a swimming pool shall comply with the provisions of Chapter 39, Swimming Pools, of the City Code; and

k. A short-term rental shall comply with Article VIII of Chapter 40 of the City Code pertaining to the payment of transient occupancy tax.

(2) The following shall be filed with the zoning administrator with any application for a short-term rental permit:

a. Contact information for the owner of the short-term rental.

b. Proof of the applicant’s ownership of, and permanent residence at the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant’s driver’s license or voter registration card showing the address of the property, or other document(s) which the zoning administrator determines provides equivalent proof of permanent residence by the applicant at the property that is the subject of the application.

c. A floor plan of the short-term rental which identifies the location and number of bedrooms in the dwelling and the location of the items required in subsection 1(f) of this section.

d. A permit fee in the amount of one hundred and fifty dollars ($150.00).

(3) Use of a short-term rental shall require a permit issued by the zoning administrator. The owner of the short-term rental shall operate the same under all conditions of the issued permit, and subject to the following:

a. The owner of a short-term rental shall certify, in writing, compliance with the
provisions of subsection (1) a through k of this section.

b. The owner of a short-term rental must obtain a business license from the commissioner of the revenue prior to operation of the short-term rental. The business license must remain current and active while operating.

c. The owner of a short-term rental must maintain a registry showing the names, addresses and telephone numbers of all short-term rental occupants. The owner must allow the zoning administrator and his/her designee to inspect such registry upon reasonable advance notice, to verify that the short-term rental is being operated in accordance with the provisions of this section and all conditions of the permit.

d. A short-term rental permit shall be valid for one year from the date of issuance.

e. It is the responsibility of the owner to renew the permit prior to expiration, by submitting an updated application as required in section 45-517.1(2) above.

f. The payment of all real property taxes assessed against the short-term rental property must be current prior to the issuance of a short-term rental permit.

g. A short-term rental permit requires the owner to agree to abide by all requirements of this zoning ordinance, and all other applicable federal, state and local laws.

h. A short-term rental permit may be revoked by the zoning administrator as set forth below; an applicant, or related owner whose short-term rental has been revoked pursuant to this paragraph, shall not be eligible to receive any new short-term rental permit for two years:

1. In the event that there are three or more violations recorded by the City within a one year period; or

2. For failure to comply with the regulations set forth in this section, and any permit conditions; or

3. For refusal to cooperate with the City in a complaint investigation, including allowing the zoning administrator or his/her designee to enter the dwelling unit upon reasonable advance notice as required by section 45-3501(a); or
4. For delinquency in the payment of real estate taxes assessed against the short-term rental property.

(4) Failure of an owner required to register a short-term rental with the city shall result in a penalty in the amount of five hundred dollars ($500.00). Unless and until the owner pays the penalty and registers such property, he/she may not continue to offer such property for short-term rental.

(5) Upon repeated violations of this section, as it relates to a specific short-term rental property, an owner may be prohibited from registering and offering such property for short-term rental.

2. That this ordinance shall be in effect on and after July 1, 2019.
E. Public Hearings

6. Ordinance Authorizing the City Manager to Execute Any Documents Necessary to Effectuate the Closing and Vacating of a Portion of an Unpaved Street or Right of Way Located at Abingdon Road in the Tipton Place Subdivision

**ACTION:**

A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE CLOSING AND VACATING OF A PORTION OF THE UNDEVELOPED AND UNPAVED STREET OR RIGHT OF WAY, CONTAINING 0.2153 ACRES, LOCATED IN THE TIPTON PLACE SUBDIVISION.

**BACKGROUND:**

- What is sometimes referred to as "Abingdon Road" is a 50-foot-wide paper street created in 1937 by Deed, which reserved the road to be held in common by all heirs of the D.S. Jones Estate.

- The City does not have fee simple interest in the area and has never maintained it as a public easement of right-of-way.

- Since its creation over 80 years ago, this "road" has led to confusion regarding ownership by both abutting landowners, as well as City staff.

- City staff feels the City is best served by vacating its interest in this portion of the paper street to help clear up present and future title issues.

- Information regarding the area has been circulated to relevant Departments and no City utility or other easements are necessary to reserve.

- The City Manager recommends approval.

**FISCAL IMPACT:**

- TBD

**ATTACHMENTS:**

Description
Memo to HCC re Abingdon Road Vacation 5.22.19
Attachment 1 - Aerial photo
Attachment 2 - Exhibit showing part of "Abingdon Road"
sdm16877 Closing and Vacating an Undeveloped and Unpaved Street
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Vacation of a Portion of “Abingdon Road” (Tipton Place Subdivision)

What is sometimes referred to as “Abingdon Road” is an approximately 50-foot wide paper street, which stretches from Woodland Road to just past Dogwood Drive in the Riverside neighborhood. The road was created in 1937 via a Deed and Plat of Partition, which reserved the road to be held in common by all of the heirs of the D. S. Jones Estate. As no subsequent conveyance can be found from the Jones heirs, the City does not have fee simple interest in the area and has never maintained it as a public easement of right-of-way.

Since its creation over 80 years ago, this “road” has led to intermittent confusion regarding ownership by both abutting landowners as well as City staff. The area between Tipton Road and Central Parkway, as shown in yellow on the attached aerial and plat, is a particular title problem for the City. City staff feels the City is best served by vacating its interest in this portion of the paper street to help clear up present and future title issues. Information regarding the area has been circulated to relevant Departments and no City utility or other easements are necessary to reserve.

I recommend Council approve the Ordinance authorizing the closing and vacating of the certain undeveloped right-of-way, as outlined above, and authorizing me to execute any documents necessary to effectuate the transaction.

Cynthia D. Rohlf

CDR: FGK:tcf

Attachments (2)

cc: Collins L. Owens, Jr., City Attorney
    Florence G. Kingston, Director, Department of Development
Portion of “Abingdon Road” Between Central Parkway and Tipton Road
ORDINANCE NO. __________________

AN ORDINANCE CLOSING AND VACATING THAT CERTAIN UNDEVELOPED AND UNPAVED STREET OR RIGHT OF WAY, CONTAINING 0.2153 ACRES, LOCATED IN THE TIPTON PLACE SUBDIVISION IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS SHOWN ON THE PLAT ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE.

WHEREAS, the Council has been requested to consider a proposal to discontinue and vacate a portion of that certain undeveloped and unpaved portion of right of way, sometimes referred to as Abingdon Road, located between Tipton Road and Central Parkway in the Tipton Place subdivision in the City of Newport News, herein more particularly described; and

WHEREAS, the land records suggest that fee simple ownership in the aforementioned right of way may still be held, all or in part, by the heirs at law of the D. S. Jones Estate; and

WHEREAS, the notice of the proposed action has been published pursuant to the statutory requirements of § 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the procedures required by § 15.2-2006 have been followed; and

WHEREAS, the Council of the City of Newport News, Virginia, is of the opinion that such vacating and closing would not result in any inconvenience and is the interest of public welfare.

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

1. That the following area in the City of Newport News, being more particularly as follows:

   All that certain lot, piece or parcel of land situate and being in the City of Newport News, containing 9,376.87 Sq. Ft., 0.2153 Acres, shown as the hatched area labeled “Abingdon Road” on that certain plat entitled “EXHIBIT SHOWING PART OF A PAPER STREET KNOWN AS ‘ABINGDON ROAD’ TIPTON PLACE SUBDIVISION, 9376.87 SQ. FT., 0.2153 AC., CITY OF NEWPORT NEWS, VIRGINIA,” dated April 22, 2019, and made by the City of Newport News Department of Engineering, attached hereto and made a part hereof as Exhibit A.

be vacated, and that the same shall be no longer deemed a publicly dedicated right of way, street or alley in the City of Newport News, Virginia.

2. Provided, however, that this closing and vacation is limited to whatever interest the City of Newport News may have in the aforesaid right of way.
3. That the City Attorney is hereby directed to record a copy of this ordinance among the deeds and other records in the Clerk’s Office of the Circuit Court for the City of Newport News, Virginia.
CENTRAL PARKWAY VARIABLE WIDTH R/W

9376.87 SQ. FT. 0.2153 AC

NOTE:
PROPERTY SHOWN HEREON IS LOCATED IN ZONE X
SHOWN ON FLOOD INSURANCE MAP COMMUNITY
NUMBER 510103 PANEL 0136-D
EFFECTIVE DATE: 12/09/14
E. Public Hearings

7. Ordinance Amending City Code, Chapter 40, Taxation; Article I., General Provisions and Exemptions; Division 3., Property Exempted By Designation; Section 40-8.05, Property of Newport News Green Foundation, Inc.; to Add Property Located at 315 Center Avenue

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 40, TAXATION; ARTICLE I., GENERAL PROVISIONS AND EXEMPTIONS; DIVISION 3., PROPERTY EXEMPTED BY DESIGNATION; SECTION 40-8.05, PROPERTY OF NEWPORT NEWS GREEN FOUNDATION, INC.; TO ADD PROPERTY LOCATED AT 315 CENTER AVENUE.

**BACKGROUND:**
- The Newport News Green Foundation, Inc., (NNGF) is a charitable, tax exempt organization under Section 501(c)(3) of the Internal Revenue Code.

- NNGF's purpose is to promote the creation and preservation of green space by acquiring property, advocating for, and assisting others to make the city a more visually attractive place.

- NNGF's most recent acquisition, of property located at 315 Center Avenue, continues its mission in enhancing the quality of life by preserving, transforming, and promoting green spaces throughout the city.

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

<table>
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<tr>
<th>Description</th>
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<tr>
<td>Memo to HCC re NN Green Found 315 Center Ave 5.22.19</td>
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<tr>
<td>NNGreenFound 315 Center Ave - Attachment</td>
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<tr>
<td>sdm16853 Amending Sec. 40-8.05</td>
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The Newport News Green Foundation, Inc. (NNGF) is a charitable, tax exempt organization under Section 501(c)(3) of the Internal Revenue Code. The Foundation’s purpose is to promote the creation and preservation of green space throughout the City of Newport News through advocacy, acquisition, and assistance to others in order to make Newport News a more visually attractive place to live, work, and play.

Currently, NNGF owns twenty-seven (27) parcels. Its most recent acquisition is property located at 315 Center Avenue. The current assessment of this parcel is $49,000 (forty-five thousand dollars). Attached is an aerial map of the parcel. NNGF is seeking exemption from real property tax for this parcel.

I recommend approval.

Cynthia D. Rohlf

CDR: CTV: tjk
Attachment

cc: Charles T. Vester, City Assessor, Real Estate Assessor’s Office
February 13, 2019

Mr. Charles Vester
City Assessor
City of Newport News
Real Estate Assessor’s Office
700 Towne Center Dr, Suite 220
Newport News, VA 23606

RE: Request for tax exemption on property recently acquired by the Newport News Green Foundation

Dear Mr. Vester:

The Newport News Green Foundation, an independent 501c3 nonprofit organization that works to preserve green space in Newport News, has recently acquired a vacant plot of land located at 315 Center Ave. This letter is to request that this property be considered for tax exemption under Section 40.8 of the City Code of the City of Newport News. We intend to maintain this property as a green space for the benefit of the citizens of Newport News. I can be contacted via cell phone at (757)869-2156 or info@nngreen.com.

Respectfully,

[Signature]
Tami Farinholt
Executive Director

CC: Sharyn Fox, President
    Donald Hatchett, Treasurer
    J. Scruggs, Property Chair
    Cindy Rohlf, City Manager/At Large Board Member

RECEIVED
FEB 28 2019

BY: .....................
ORDINANCE NO. ______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., GENERAL PROVISIONS AND EXEMPTIONS, DIVISION 3., PROPERTY EXEMPTED BY DESIGNATION, SECTION 40-8.05, PROPERTY OF NEWPORT NEWS GREEN FOUNDATION, INC.

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

1. That Chapter 40, Taxation, of the Code of the City of Newport News, Virginia, Article I., General Provisions and Exemptions, Division 3., Property Exempted by Designation, Section 40-8.05, Property of Newport News Green Foundation, Inc., be, and the same hereby is, amended and reordained, as follows:

CHAPTER 40

TAXATION

ARTICLE I. GENERAL PROVISIONS AND EXEMPTIONS

DIVISION 3. PROPERTY EXEMPTED BY DESIGNATION

Sec. 40-8.05. Property of Newport News Green Foundation, Inc.

(a) That the Newport News Green Foundation, Inc., a non-profit corporation, is designated as an organization that uses its real property for purposes authorized within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.

(b) Property located in the City of Newport News at 12740 Patrick Henry Drive, 618 South Avenue, 457 Eastwood Drive, 2903 Marshall Avenue, 3809 Chestnut Avenue, 3715 Chestnut Avenue, 3717 Chestnut Avenue, 10295 Jefferson Avenue, 1 Woodhaven Road, 491 Lee’s Mill Drive, 496 Lee’s Mill Drive, 437 Harpersville Road, 9941 Jefferson Avenue, 551 Aberthaw Avenue, 12559 Warwick Boulevard, 1351 39th Street, and 5101 Huntington Avenue and 315 Center Avenue, owned by the Newport News Green Foundation, Inc., and used by it exclusively for charitable and benevolent purposes on a non-profit basis as set forth in subsection (a) of this section, is hereby determined to be exempt from property taxation.
2. That this ordinance shall be in effect on and after the date of its adoption, May 14, 2019.
F. Consent Agenda

1. Minutes of the Work Session for May 14, 2019

   ACTION:  • N/A

   BACKGROUND:  • N/A

   FISCAL IMPACT:  • N/A

ATTACHMENTS:
Description
Minutes of Work Session for May 14, 2019
MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
May 14, 2019
3:45 p.m.

PRESENT: McKinley L. Price, DDS; Sharon P. Scott, MPA; Tina L. Vick; Dr. Patricia P. Woodbury; Saundra N. Cherry, D. Min. (arrived at 4:00 p.m.); Marcellus L. Harris III; and David H. Jenkins

ABSENT: None

OTHERS PRESENT: Cynthia D. Rohlf; Collins L. Owens; Mabel Washington Jenkins; Joye Thompkins; Darlene Bradberry; Lisa Cipriano; Cory Cloud; Constantinos Velissarios; Keith Ferguson; Maria Abilar; Shelia McAllister; Flora Chiros; Tricia Wilson; Susan Goodwin; Virginia Lovell; Florence Kingston; Derek Perry; Mallory Bulter; Kathy Howell; Victoria Revell; MaRhonda Echols; Lisa Wornom-Zahralddin; Everett Skipper; Venerria Thomas; Sonia Alcantara-Antoine; Louis Martinez; Jeffrey Johnson; Steve Drew; Michael Grinstead; Patrick Murphrey; Alan Archer; David Freeman; Cleder Jones; Kim Lee; Eoghan Miller; Mary Vause; Zina Middleton; and Josh Reyes

City Manager Rohlf congratulated City Council, City staff, Advisory Committee, and the citizens on the $30 million CNI Grant award. She advised that there would be some requirements of City Council as the process moved forward. Thanks to City Council and all those involved for being so supportive throughout the CNI Grant process, especially the community.

I. Summer Training and Enrichment Program (STEP) Update

City Manager Rohlf reminded City Council that the City was in the 5th year of the STEP program and had discussions over the last year to take stock of where the program was, making sure the City got the greatest impact and what direction was needed. She introduced Mr. Alan Archer, Assistant City Manager, to share information on the 2019 Summer Training and Enrichment Program (STEP) (a copy of the presentation, “STEP 2019 Collaboration for Skill Development, May 14, 2019,” is attached and made a part of these minutes).

Mr. Archer introduced Ms. MaRhonda Echols, Youth and Gang Manager and Ms. Lisa Wornom-Zahralddin, Project Manager, Office of the City Manager, who had been very instrumental in rethinking STEP and making the transition. They were available to assist with any questions or concerns.
Mr. Archer advised that STEP was one component of the City’s Violence Prevention Initiative to increase positive outcomes for youth and young adults between the ages of 16 – 24 through exposure to the world of work. He indicated the participants would work up to 30 hours per week, while earning $8.00 - $9.00 per hour depending on their completion of high school or GED. STEP covered all wages, and there were no direct costs for employers to serve as a host worksite, other than in-kind supervision while participants were working.

Mr. Archer noted that the program had grown from 160 participants in 2014 to 470 participants in 2018. Approximately 1,900 young people had participated in STEP over the past five (5) years, working roughly 300 thousand hours and earning more than $2 million in wages.

Mr. Archer indicated the success was due in large part to the employers who had supported STEP. Employers had chosen to help youth and young adults believe in all they could be and create life-changing experiences that would help participants for years to come.

Mr. Archer shared that the 2019 STEP program was designed around a new model of service delivery with the goal to transition STEP from a ten-week “summer program” to a systematic year-round initiative. The City would serve as the fiscal agent and monitor the work of three strategic partners to deliver the program over a twelve-month period. The partnerships included: Hampton Roads Community Action Program, Newport News Public Schools, and the New Horizons Regional Education Center. The City expect to serve 200 high school or in-school students and 75 out-of-school participants who met eligibility requirements to include residents in Marshall Courts, Ridley Circle, and the Courthouse Green/Beechmont Neighborhood. These areas had a high concentration of disconnected youth in their teens and early twenties who were in danger of being cut-off from the people, institutions and experiences that would help them live rewarding lives as adults. An annual evaluation would provide feedback for City Council and the City Administration about program effectiveness.

Mr. Archer advised that the Hampton Roads Community Action Program (HRCAP) would serve as the 2019 STEP Program Administrator over both In-School Youth and Out-of-School Youth program delivery.

- Paylocity would be used for mobile time and attendance for Payroll – mobile app, desktop, and paper-based
- Worksite visits would be coordinated to assist employers with on-the-job training needs with participants
- Participants would receive soft-skill training during orientation and prior to worksite placement
Councilwoman Woodbury inquired about Chief Steve Drew, Newport News Police Department (NNPD) and Ms. Venetria Thomas, Director, Department of Human Services (DHS) who were set to administrator the STEP program. City Manager Rohlf replied the NNPD and DHS would take the lead in the Building Better Futures Initiative (BBFI); however, STEP was one component of BBFI the City wanted to move forward. She advised that the consultants would be available to make a presentation at a June 2019 City Council Work Session to finalize the BBFI.

Mr. Archer advised that the City continued to work on smoothing the payroll process. To this end, HRCAP would contract with Paylocity to administer the payroll. Through the Paylocity App, all STEP participants could:

- Log in using Touch ID on their mobile device (if enabled) for easy access to payroll data;
- Punch in and out from their mobile device without the physical need for a time clock; and
- View paycheck information, check time sheets, and receive push notifications.

Mr. Archer indicated the Work Training Experience were for young people between the ages of 16 – 18. STEP would run from June 25 – August 1, 2019. The program components were as follows:

- Paid workforce experience
- Provided employment training
- Provided career exploration
- Provide college exposure
- Provided academic support

Mr. Archer advised that the Newport News Public Schools would serve as the primary service provider for approximately 200 In-School Youth Program participants enrolled in high school between the ages of 16 – 18. He said each high school would champion a cohort of STEP participants to receive monitoring and support throughout their participation in the program during the 2019 -2020 school year.

- A **6-Week** program was available to **200** NNPS students who met eligibility criteria for STEP
  - During the summer, Job Coaches would assist participants with soft-skills training, professional portfolios, and worksite placement and support services
- Eligible participants could continue for a maximum of 520 additional hours with the support and coordination of New Horizons Regional Education Center
- Summer and Year-Round
- Monthly afterschool sessions
- Saturday sessions offered every other month September – May
- Year-round engagement opportunities included for In-School Youth enrolled in STEP:
  - School Counselors
  - Graduation Coaches
  - Career Exploration and Work Experiences
  - Mentoring and Field Trips
  - Academic Tutoring and Credit Recovery
  - Team-building Activities
  - Youth Development and Community Service Activities

Councilman Harris questioned how that would look for School Counselors. Would a Counselor be provided through the program, a new position, or how would that work? Ms. Echols replied that each school had a Program Advisor and would work with Dr. Claudia Hines, Supervisor, Professional School Counseling and her team. Dr. Hines would set-up interviews and the selected candidate in the building would become the Program Advisor for their building/school and would receive a supplement.

Mr. Archer shared that additionally, participants would receive Career Pathways training, Career & Technical Education (CTE) courses, industry certification opportunities, team building activities and bi-monthly enrichment experiences. He advised the desired outcomes for all participants included increased attendance, improved academic performance, better decision making, increased self-esteem and motivation, career pathway training, exposure to college and enrichment activities, and stronger soft skills and workforce qualifications.

Mr. Archer advised that HRCAP would serve as the primary service provider for approximately 75 out-of-school participants between the ages of 18 – 24. HRCAP would utilize a cohort-training program that provided industry focused employment training and certificates to 15 participants at least five (5) times per year. The desired outcome was for all participants to obtain unsubsidized full-time employment with benefits.

- A 7-Week program was available to 75 participants who met eligibility criteria for STEP:
  - 3-Week Work-readiness preparation/in-classroom experience
• **Week 1** – Job Readiness Skill Building
  o (Workplace Excellence Series, Mock Interviews)
• **Week 2** – Credentials and Certifications
  o (NorthStar Basic Computer Skills Certificate, OSHA, ACT, etc.)
• **Week 3** – Budgeting and Job Preparedness
  o (Benefits coordination, Equipment and supports for employment)
• **4-Week** – Job Placement Experience at worksites where Job coaches provide ongoing supports for participants
• Eligible participants could continue for a maximum of 520 additional hours with the support and coordination of New Horizons Regional Education Center

Vice Mayor Vick indicated that she wanted to ensure that the targeted areas would be served, as it came from the Anti-Gang and Youth Initiative. How would the Program Advisor know if there were low-income youth, where would the Advisor get the appropriate information? Ms. Echols replied that the school system had a data base and had some of the necessary criteria’s (i.e. free and/or reduce lunch eligibility, who were parents, where students lived, their neighborhoods). She further advised that the information had be sent to partners (Police Department, Juvenile Services, Court Service, and Human Services) who could also make referrals, as well as the Outreach Team. Once the application period closed on May 31, 2019, there would be a team reviewing those applications to ensure the applicants met the eligible criteria to be selected to be a part of the STEP program. Vice Mayor Vick reiterated she wanted to ensure that the targeted areas were served.

Councilman Harris questioned whether the City would pay all of the fees associated with being enrolled in the New Horizons program. Ms. Wornom-Zahralddin replied no, the City would not, if they are WIOA eligible, which a majority should be. She stated training, case management, and coordination would be provided by WIOA. City Manager Rohlf advised that if the user fee became an issue, the City would step in to assist, the funding was already available and the whole idea was in place to take away those barriers not to set-up additional barriers.

Mr. Archer advised of the participating Education Centers:

• **New Horizons**, owned and operated by the six (6) Peninsula School Divisions, prepared youth for academic and post-secondary educational opportunities and occupational skills training
  o New Horizons Regional Education Center was the bridge that tied all of the STEP activities together while extending work experiences for those
who meet eligibility criteria under the Workforce Innovation and Opportunity Act (WIOA)

- Educational opportunities would be offered through the **Youth Workforce Center** and the **Career & Technical Education Center**

- The **Youth Workforce Center** was the Youth Services one-stop partner for the Greater Peninsula Workforce Development Board (WIOA)

- **The Youth Workforce Center would offer:**
  - In-School Program for at-risk youths ages 16 – 21
  - Out-of-School Program for youths ages 17 – 24
  - Work Experience
  - Support Services

- **The Career & Technical Education Center would offer:**
  - 25 Specialized programs
  - Hands-on real world curriculum
  - Industry-specific credential exams
  - Work-based learning experiences
  - Post-secondary education — dual enrollment with TNCC
  - Employment — Academy for Advanced Technical Careers

Mr. Archer advised of the STEP Eligibility Criteria as follows:

**Ages 16 – 18**

- Currently enrolled in an NNPS high school as of June 1, 2019
- Eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)
- At risk of dropping out of school (based on poor attendance/truancy or deficient academic record)
- An English Language Learner
- Single parent household
- Students that were parents
- Current or past alternative school placement
- Referrals from Newport News Department of Juvenile Justice and Department of Human Services for students with a criminal record
- Have residence in Marshall Courts, Ridley Circle, Courthouse Green/Beechmont Neighborhoods, or maintain residence in a high poverty census tract

**Ages 18 – 24**

- A school dropout
An individual subject to the juvenile or adult justice system
Homeless or runaway
In Foster Care or had aged out of Foster Care
Pregnant or parenting
An Individual with a disability to include learning disability
Required assistance to secure or hold employment
Basic skills deficient
An English Learner
Have residence in Marshall Courts, Ridley Circle, Courthouse Green/Beechmont Neighborhoods, or maintain residence in a high poverty census tract

Councilwoman Cherry requested clarity on the STEP program, she understood there would be 275 participants. Mr. Archer replied yes, there would 200 In-School and 75 Out-of-School participants. Councilwoman Cherry inquired about the 200 In-School participants that the NNPS would work with through Career Pathways, but she thought that the NNPS already offered Career Pathways, which would be a duplication of services. City Manager Rohlf replied it was more than just to identify what the participant was interested in skillset, it was wrap around services to make that young person more successful.

Councilwoman Cherry questioned whether the NNPS had agreed to allow someone in the schools to become a Program Advisor. City Manager Rohlf replied that the NNPS had been at the table as a partner and the City was paying for the services of the overall program. Ms. Echols replied the Advisor was already a school employee and would receive a $1,500 - $1,700 stipend for the additional responsibilities.

Councilwoman Cherry questioned how Paylocity worked and who paid the youth. Mr. Archer replied that HRCAP and NNPS would pay and submit monthly invoices for payment to support the stipends.

Councilwoman Cherry inquired about accountability for the program – the amount of money going out, for what service, and what type of documentation would be provided, to ensure proper follow through with a brand new program – to evaluate from the start to the end. Mr. Archer replied the program evaluation criteria were built into the MOU with HRCAP and NNPS, the City asked for monthly reports, from NNPS, to include the number of job placements, number of employment portfolios developed, tracking the number of certificates and credentials received by participants, and the number of new sites developed, the number of career coaching sessions, weekly reports on participant data and any challenges and solutions.
Councilwoman Cherry questioned how background checks would be performed on past and new worksites or whoever would be directly supervising the youth. Ms. Echols replied, through the agreement, HRCAP would have the background check performed and that information would be kept on file. She shared unfortunately, for legal reasons, the City could not obtain the results of the background checks from HRCAP. Councilwoman Cherry indicated it was of concern that the City was paying, but could not have access to the background. She wanted to confirm that a background check had been completed on anyone who would be in direct contact with the youth. Councilwoman Woodbury agreed with Councilwoman Cherry because the City would be liable. Ms. Echols indicated it was a security and liability matter for HRCAP and part of the MOU indicated that a background would be done. Councilwoman Cherry suggested whatever needed to be done, for the City to have access to the background check, please ensure that could done.

Councilwoman Scott indicated, in addition to background checks, also needed more control on how and who was supervising the youth, from the time each youth checked-in until they checked-out and when leaving the worksite. City Manager Rohlf replied that she agreed, more control was needed for the safety of the young person.

Vice Mayor Vick inquired about how to match each of the 275 participants with each business. City Manager Rohlf replied the City had been a work site and had taken on a number of youth.

Mr. Archer shared that the City sponsored a Breakfast Meeting at the Holiday Inn City Center on May 3, 2019, to brief worksite partners about the 2019 STEP program. He indicated that 50 businesses completed Commitment Cards to participate as a worksite. There were some new businesses. There would be some businesses around the industry cluster, working with the out of school participants to get them full-time employment.

City Manager Rohlf shared that she believed the City had a model that was going to work with the new transition. The ultimate goal was to prepare young people for the future. Vice Mayor Vick indicated the City would pay HRCAP and NNPS to manage the program with 275 participants, but when the City ran the program there were 500 participants. She questioned why the decrease in participants? City Manager Rohlf replied to have a more manageable and strategic program and getting back to the roots of what City Council acted on originally.

Councilwoman Woodbury inquired about the Outreach Team, what would they do and how many were available. Ms. Echols replied there were seven (7) Outreach Workers. City Manager Rohlf indicated the Outreach Workers would fall under the BBFI and would be bought back at a June 2019 City Council Work Session. She advised that Chief Drew was new to the old structure of STEP, and while working through the new model it gave Chief Drew an opportunity
to see what worked and what did not work, to suggest or recommend the appropriate changes in the new model of STEP.

Councilwoman Cherry questioned to whom the Outreach Workers reported. City Manager Rohlf replied that the structure had not been changed to date. Ms. Echols indicated the Outreach Workers were still making connections in the community with youth, in the school system, trying to get youth employed and connected to other services. The job description of the Outreach Workers had not changed. Councilwoman Cherry inquired how the City knew what the Outreach Workers were doing and whether there was an evaluation component to show what they were doing. Ms. Echols replied there was not an evaluation component connected. City Manager Rohlf noted that was the reason the Outreach Workers were being reviewed in the new model. Councilwoman Cherry advised that Council needed more information on what the Outreach Workers were doing. Councilwoman Woodbury stated the Outreach Workers were getting a salary and there had to be some accountability. City Manager Rohlf replied she would bring information back to City Council with regard to the Outreach Worker activities.

II. Invest Newport News Opportunity Zones Website

City Manager Rohlf introduced Ms. Mallory Butler, Senior Economic Analyst, Department of Development, to share information on the Opportunity Zones program (a copy of the presentation, “Great Things are Happening – Opportunity Zones, May 14, 2019,” is attached and made a part of these minutes).

Ms. Butler noted the following about Opportunity Zones:

- A new revitalization tool.
- Designed to drive long-term capital investment to low-income and distressed areas by offering investors tax benefits.

Ms. Butler shared how the Opportunity Zones were designated:

- Feds determined initial eligibility based on Census data.
- Governors nominated 25% of eligible Census tracts.
- Governor Northam sought recommendations from localities with emphasis on proportionality; ex., 25% from each community.
- Over 8,700 Census tracts nationwide, included 212 in Virginia and 7 in Newport News, designated.
• Each of Newport News’ Zones capitalize on established strategic plans, economic drivers, public investment and offer the greatest opportunity for future private investment.

Ms. Butler noted the basics of the program were as follows:

• Investors receive tax benefits by investing in Opportunity Zones through a “Qualified Opportunity Fund” (QOF).
• The QOF invests in:
  ○ Stock in a qualified Opportunity Zone business/corporation;
  ○ Partnership interest in a qualified Opportunity Zone business; and/or
  ○ Property in a qualified Opportunity Zone business.

Ms. Butler advised of tax advantages for investors as follows:

• **Defer** capital gains tax on the sale of an asset if sales proceeds were invested in a QOF.
• **Reduce** amount of capital gains tax paid on the deferred amount invested within the QOF if the assets were held for five (5) or more years.
• **Avoid** capital gains tax on any appreciation arising from investment in the QOF if investment was held for at least ten (10) years.

Ms. Butler indicated, with the new program, the guidance and regulations were as follows:

• U.S. Treasury preparing regulations and holding public hearings.
  ○ First round was held February 14, 2019
  ○ Second round scheduled for July 9, 2019

Ms. Butler advised that more information could be found on the Marketing of Newport News’ Opportunity Zones at the following beta website which would go live by May 17, 2019.

• [www.InvestNewportNewsOppZone.com](http://www.InvestNewportNewsOppZone.com)

Ms. Butler provided a brief overview of the website. She introduced Ms. Kathy Howell, President and Creative Director, and Ms. Victoria Revell, Account Manager, Howell Creative Group, worked with the City’s GIS Department and did extensive research and came up
with the website www.InvestNewportNewsOppZone.com which was tied to the Economic Development Authority (EDA) website, the look, graphics and format was kept in-line with the EDA website.

Vice Mayor Vick indicated it was a great program for revitalization that people would be able to get returns on investment, especially in areas that were hard to serve. City Manager Rohlf advised that she had a brief discussion with the Regional Director about Opportunity Zones and some of the doors that the program would open in underserved communities.

Councilwoman Cherry questioned whether the census tracts were the same used by the 2020 Decennial Census which was presented at the March 26, 2019 City Council Work Session. City Manager Rohlf replied she believed that some of the census tracts came from the 2020 Decennial Census. Vice Mayor Vick inquired whether the census tract were income based. Ms. Butler replied yes, the Federal government reviewed census tracts across the country and used income levels and unemployment data for eligibility.

Ms. Butler indicated the information for each census tract was important and was found on the website. The information would be easy to locate on the website for the investment and development community with everything at one site – investors could learn anything necessary about the land/property in layers on-site. She stated investors could also find information on the Enterprise Zone and HUB Zone. Later, summer 2019 – there would be a number of investor seminars/workshops (i.e. investor, development, real estate community) with a panel of experts within the Opportunity Zone arena, tax attorneys, CPA’s to provide the participants with the nuts and bolts of the seven (7) tracts.

Councilwoman Cherry shared that she wanted to ensure that potential investors from the Southeast community were included, not just to big businesses, but to seek investors, who were not afraid to invest in small businesses in the Southeast community. Ms. Butler replied there would be a broad range of investors included.

Councilwoman Woodbury inquired about the difference between the “Opportunity Zones” and the “Enterprise Zones”. Ms. Butler replied that the Opportunity Zones was a Federal program for investors to defer, reduce or eliminate capital gains; and the Enterprise Zones was a State designation that was only in Virginia with two (2) geography Enterprise Zones with some overlapping, with State and local incentives, based on capital investment in real estate, machinery, and equipment as well as an increase in job generation and employment opportunities.

Ms. Butler indicated, in summary, the Opportunity Zones were another tool for private investment and revitalization.
III. Third Quarter Fiscal Year 2019 Report

City Manager Rohlf indicated the budgetary projections, based on actual performance for the first nine-months of the fiscal year and a projection of financial activities for the remaining three months. She introduced Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, to provide the presentation (a copy of the presentation, “FY 2019 General Fund Forecast – Based on Third Quarter Results, May 14, 2019,” is attached and made a part of these minutes).

Ms. Cipriano noted the third quarter review as of March 31, 2019 was as follows:

**Budget - $487.5 million**
- Half of the annual Major Taxes were collected in the 2nd Quarter, beginning in November 2018. Only delinquents and late payments in 3rd Quarter
- Revenue projections for major taxes based on prior years collection patterns through the beginning of May 2019
- Lingering effect of Federal Government Shutdown – Impact on local revenue

Ms. Cipriano indicated that revenue collections were determined predominantly by adjusting the consumer sensitive taxes of personal property, sales, meals, amusement, and lodging, refining the analysis of the revenue patterns that had occurred after the federal shutdown, and prior to the collections of the second half of the major taxes. Other revenue streams showed performances as expected, with collection patterns generally as initially budgeted for the fiscal year.

**Major Revenues**

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*Current RE Taxes only*
Major Revenues

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<th>Projection</th>
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</thead>
<tbody>
<tr>
<td>BPOL Taxes</td>
<td>$17.0 million</td>
<td>$776,000</td>
</tr>
<tr>
<td>Tax on Deeds</td>
<td>$1.7 million</td>
<td>($400,000)</td>
</tr>
<tr>
<td>Building Permits</td>
<td>$985,000</td>
<td>$63,000</td>
</tr>
</tbody>
</table>

- Projecting (0.2%) shortfall or ($471,000)

Major Expenditures

<table>
<thead>
<tr>
<th>Expenditure Type</th>
<th>Estimate</th>
<th>Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Benefits</td>
<td>$223.9 million</td>
<td>+$570,000</td>
</tr>
<tr>
<td>Fuel</td>
<td>$1.6 million</td>
<td>+$160,000</td>
</tr>
<tr>
<td>Utilities</td>
<td>$6.5 million</td>
<td>($473,000)</td>
</tr>
<tr>
<td>Material/Supplies</td>
<td>$22.1 million</td>
<td>+$9,000</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>$20.7 million</td>
<td>On Target</td>
</tr>
</tbody>
</table>

- Projected (0.1%) savings or +$517,000

Councilwoman Woodbury questioned the utilities projection. Ms. Cipriano replied the projected shortfall of the utilities projection, was due to fluctuations in the City Jail usage, which was driven by the inmate population, with the water being the primary highest driver, larger number of inmates – higher water usage and the building electricity was on 24/7.

Ms. Cipriano advised this was a very tight budget projections and would be closely monitored with six (6) weeks to get through FY 2019.

Third Quarter Projection Surplus – $46,000

- Conservative forecast, watch as major revenues are collected
- Expenditure control through the end of fiscal year
- Most other Revenues will be collected as estimated, some minor fluctuations
- Will monitor Expenditure as Revenue forecast is more secure to close gap

IV. Line of Duty Act (LODA)

City Manager Rohlf introduced Ms. Susan Goodwin, Director, Department of Finance, to share information on the Line of Duty Act (LODA) and proposed amendment (a copy
of the presentation, “Line of Duty Act Fund, May 14, 2019,” is attached and made a part of these minutes).

Ms. Goodwin advised that the Line of Duty Act (LODA) was established in Title 9.1 of the Code of Virginia, enacted in 1972, for the follow purposes:

- Provided benefits for certain public safety employees (and their families) who were disabled or killed in the line of duty
- All localities were required to provide LODA benefits to covered personnel
- Benefits included:
  - Continued health insurance coverage through state LODA Health Benefits Plans
  - One-time death benefit to beneficiary of deceased officers
- Virginia Retirement System (VRS) determines line of duty eligibility
- Department of Human Resource Management (DHRM) administers health benefits

Ms. Goodwin shared 1,179 employees were in positions eligible for LODA benefits: Police Officers, Firefighters and medics, Sheriff and Sheriff Deputies. She advised that 24 members were receiving benefits and there were no new applications pending.

Ms. Goodwin provided the LODA Funding History as follows:

- When established, LODA benefits were funded by the State
- In 2010, the State began requiring localities to pay LODA costs
  - $327,516 in benefit costs in FY 2018
- In 2013, $2.6 million of the City’s General Fund balance was reserved for LODA based on an actuarial analysis
- In 2016, the reserved was moved out of the City’s General Fund in a separate LODA Fund
- Annual General Fund contributions were made toward LODA benefits on a pay-as-you-go basis

Ms. Goodwin advised that the City reported the LODA Fund as a Trust Fund in the Comprehensive Annual Financial Report (CAFR) as follows:

- Government Accounting Standards Board (GASB) standards required the City to establish the Fund as a formal irrevocable trust
• Amendment to Chapter 31 would establish the proposed trust
  o Similar to Other Post-Employment Benefits (OPEB) trust
  o Funds may only be used for the exclusive benefit of City LODA recipients
  o Administered by Newport News Employees' Retirement Fund (NNERF) Retirement Board
  o Investment of funds overseen by the Investment Committee
• City would continue to fund annual benefit costs on a pay-as-you-go basis

Ms. Goodwin advised that the Line of Duty Act (LODA) proposed amendments would be on the May 14, 2019 Regular City Council meeting agenda for consideration.

Mayor Price questioned whether the projected $2.6 million was for lifetime benefits or would it have to be supplemented. Ms. Goodwin replied the $2.6 million reserve was available to off-set the liability. The liability was at $8 million, with the $2.6 million to off-set the liability and to fund any one-time death benefits. The one-time death benefits was $100,000 if someone was killed in the line of duty.

Councilwoman Scott questioned how frequently the City used the LODA Fund. Ms. Goodwin replied since 1972 there had been 24 LODA usages and one person added in FY 2018. Unfortunately, there was no way to determine the exact usage, it could increase or decrease.

V. ShotSpotter Briefing

City Manager Rohlf indicated she wanted to brief City Council on a new surveillance technology that detected gunfire called ShotSpotter, which was part of the larger enforcement efforts to address crime. Funding had been included in the FY 2020 budget. The City would begin with a three-year program, evaluate and move forward based on the results. She introduced Chief Steve Drew, Newport News Police Department to provide details of the new technology.

Councilwoman Cherry questioned the efficiency of the ShotSpotter technology. Chief Drew replied it was very efficient and had many benefits, as he had met with Cities that were using ShotSpotter. He advised that ShotSpotter was an acoustic surveillance technology that detected, located, and alerted gunshots. This technology would be deployed in the Southeast community in a 3.2 mile coverage area and would detect gunshots fired within a 25 feet radius in real time. ShotSpotter could detect how many guns were fired, the caliber, the difference between an automatic weapon and a semi-automatic weapon being fired. Data analysts would be transmitted where it would verified, triangulated and would report all critical details to the Newport Police.
News Police Department within approximately 45 seconds. He said devices were being deployed now and once the devices were up, there would be a testing and training period. He advised that ShotSpotter was a great investment and crime was down in the Southeast community. More information and details would be available in the near future.

Councilwoman Cherry questioned if she heard gunshots and called 911, would ShotSpotter be able to detect that those shots were two (2) blocks away? Chief Drew replied yes, along with details such as the type of firearm, number of rounds fired, time frame shots were fired and other investigative tools would be provided.

Councilwoman Cherry inquired about how ShotSpotter would be able to detect the difference between Fourth of July or New Year’s Eve fireworks or gunfire. Chief Drew replied that ShotSpotter could distinguish between fireworks and gun shots.

Councilwoman Woodbury inquired about the timeframe for ShotSpotter to be in place. Mr. Freeman replied the provider was in the process of pulling permits, but unfortunately, could not give a timeframe. Chief Drew advised that the Police Department would begin training.

Councilwoman Woodbury questioned whether calling 911 would set-things in motion. Chief Drew replied no, the gunfire detected by the sensor would automatically send the information to the Police Department in real time.

Chief Drew thanked City Manager Rohlf and Mayor Price for their forward thinking and moving the City ahead with the ShotSpotter technology.

Councilwoman Woodbury questioned whether this technology would be available to the Central District and Councilwoman Scott inquired whether the technology would be available in the North District. Chief Drew replied that ShotSpotter would be deployed in the Southeast based on the last three – five years crime status and lighting issues, and would be reviewed after a six-month to one-year period to determine the effectiveness of the product.

Councilwoman Scott inquired whether grants under Homeland Security and other federal programs would be sought after. Mayor Price replied there were businesses the City was recruiting to assist with funding, and one business owner had stepped-up with a major contribution.
VI. Comments / Ideas / Suggestions

Councilwoman Cherry inquired about water retention on the Chesapeake Avenue Bike Trail. City Manager Rohlf replied the City was working with the contractor to address the issue(s) and would have the Engineering Department report to City Council.

Councilwoman Cherry thanked the Engineering Department for the ditch/drainage overflow work performed on the Buxton Avenue Project. She advised that the residents in that area were thankful for the repairs as the water used to flow into their yards. They are relieved that was no longer a concern.

Councilman Jenkins advised that he was pleased to hear about ShotSpotter, which was a program discussed about one year ago. He was very excited about the implementation of the technology.

Councilwoman Scott advised that a few years ago she brought back an idea from the National League of Cities about cameras on the NNPS buses, similar to the Photo Red program. She knew the information was shared with the School Board, but no action was taken at that time. She understood that the School Board was now more receptive to the idea. City Manager Rohlf replied she believed that the City had to assist. Councilwoman Scott requested that the City reached out to the School Board to move the program forward. The Photo Red program should be put in place, she heard there were a lot drivers who passed by the school buses with the arms out, which put the children at risk. She would hate for something to happen to a child before the initiative was in place. The idea presented a few years ago was at no cost to the City. City Manager Rohlf replied the information on Photo Red program was presented to the School Board but they did not take action at that time. The City would certainly present the information to the School Board again.

Councilwoman Woodbury requested an update on the possibility of holding City Council meetings at other locations throughout the City, as constituents were continuing to make that request. City Manager Rohlf replied that information would be provided to City Council at the May 28, 2019 City Council Work Session.

Councilwoman Woodbury inquired about the requested update on the Airport. City Manager Rohlf replied the requested information was provided in an email to City Council. Councilwoman Woodbury questioned whether the City would take action. City Manager Rohlf replied her recommendation was not to do anything further and continue to review the situation. Her recommendation would be not to take any action. Councilwoman Scott advised that there was a big interest in planes coming to the airport but there were no hangers available. She believed,
over time, it would be beneficial. Councilwoman Woodbury indicated she was in agreement with 50% reduction, but 75% was excessive. City Manager Rohlf replied the airport was getting interest and hopefully a spin-off would bring in revenue and spur economic development. Councilwoman Scott invited City Council to attend a Peninsula Airport Commission (PAC) held monthly, on the fourth Thursday, at 8:00 a.m. to obtain more details or ask questions.

Vice Mayor Vick requested that the Virginia Peninsula Chamber of Commerce (VPCC) provided an update at a City Council Work Session. City Manager Rohlf replied she would request a presentation from the VPCC at a future City Council Work Session. Councilwoman Scott indicated VPCC promoted businesses through informational session.

Councilman Harris thanked City Council for the donation in the amount of $2,000 made to Richneck Elementary School Archery Club, who qualified for the National Tournament, held in Louisville, Kentucky, May 8 – 10, 2019.

Councilman Harris thanked Mr. David Freeman, Assistant to the City Manager, for his assistance working with Mr. Antoine Bethea, Safety, NFL New York Giants, on constructing a full size basketball courts in the North District. City Manager Rohlf replied additional information would be provided to City Council once the project was finalized.

Vice Mayor Vick thanked City Council for allowing her the opportunity to serve and represent the City of Newport News on the Virginia First Cities Board. She shared that Newport News would be holding an Annual Meeting on May 17, 2019, from 9:30 a.m. – 3:30 p.m. at Jefferson Lab (12000 Jefferson Avenue), and invited City Council. Governor Ralph Northam would be the guest speaker. She advised the $900,000 grant was a part of the Community Wealth Building, which was an award from Virginia First Cities.

Vice Mayor Vick thanked Mr. Alan Archer, Ms. MaRhonda Echols, Ms. Lisa Wornom-Zahralddin and all of the staff involved with the STEP program. She stated that STEP was near and dear to her heart. The program allowed youth to build a work ethic for themselves who may not have otherwise had an opportunity to do so. She indicated that she knew the program worked as she heard comments from the youth, parents, and grandparents who were thankful. STEP had an impact in the community, built better citizens and planted the seed and let the youth know they could be successful. She appreciated the City staying the course and continuing the STEP program.

Vice Mayor Vick thanked Mr. David Freeman for assisting in a matter involving Dominion Virginia Power. A number of elderly community members had some concerns with
lighting issues. Mr. Freeman worked with Dominion Virginia Power and resolved the issues quickly. She again stated his assistance was greatly appreciated.

Vice Mayor Vick reiterated that joint quarterly meetings with the NNPS should start early to build a better relationship. She inquired whether that request had been made to the School Board. Mayor Price replied that he recommended a committee, which was being worked on to be presented to City Council, but did not have a problem moving forward with the joint quarterly meetings. Vice Mayor Vick suggested moving forward early with joint quarterly meetings to establish better communication. Councilwoman Scott agreed. City Manager Rohlf indicated that she had spoken to Dr. Parker about discussions around the CIP, in order to have early conversations before the City and NNPS CIP was developed.

Councilwoman Woodbury inquired whether the NNPS would get the requested amount of $113.3 million to fully fund the NNPS FY 2020 Operating Budget. City Manager Rohlf replied yes, the NNPS would be fully funded at $113.3 million.

Councilwoman Scott advised she received a request from Ms. Karen Ciotta, Kindergarten Teacher, Greenwood Elementary School, who explained the teachers from Epes, Greenwood, and McIntosh Elementary Schools had created “Books on Bikes Newport News”, a teacher literacy outreach program that brought books to kids when school libraries were closed throughout the summer, and were requesting a donation. Teachers ride adult tricycles loaded with books and popsicles into student neighborhoods to read with children ages 1 – 15 years of age and distributed free books to build home libraries. This was all done on a 100% voluntary basis. There would be a kick-off event on June 12, 2019 from 5:00 p.m. – 7:00 p.m., at Denbigh Community Center (15198 Warwick Boulevard) where families could learn more about the program. Family literacy activities and free books would be included. She requested $5,000 from the City Council contingency fund. By consensus of the City Council, a donation in the amount of $5,000 would be made from the contingency fund.

Councilwoman Cherry advised she received a request from Ms. Angela Gilliam, Administrator/Curriculum Developer, Mr. Michael LeMelle, Director/Lead Instructor, and Ms. Raven LeMelle, Instructor/Programming Consultant with Point, Aim and Shoot Studios who were excited about the continued growth of the youth in the media arts program. As part of the learning objectives, while exposing the students to opportunities and expanding their photographic abilities, Point, Aim and Shoot Studios secured 55 entry passes to the National Museum of African American History and Culture in Washington, DC, for Monday, June 17, 2019. A donation was requested and three quotes provided for local motor transportation companies. City Council was awaiting additional information.
VII. Closed Meeting

(5:32 p.m. – 5:55 p.m.)

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED 6:00 P.M.

Zina F. Middleton, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, test: 

City Clerk
F. Consent Agenda

2. Minutes of the Special Meeting for May 14, 2019

**ACTION:**  • N/A

**BACKGROUND:**  • N/A

**FISCAL IMPACT:**  • N/A

**ATTACHMENTS:**
Description
Minutes of Special Meeting for May 14, 2019
MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
May 14, 2019
5:30 P.M.

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

ABSENT: None

OTHERS PRESENT: Cynthia Rohlf; Collins Owens; Mabel Washington Jenkins; Darlene Bradbury; Florence Kingston; Derek Perry; Jennifer Smith Brown; David Freeman; 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, subsection: (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 disposition of real property in the northern section of the City.

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

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

(Closed Session 5:32 p.m. – 5:55 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: Price, Scott, Vick, Woodbury, Cherry, Harris, Jenkins
Nays: None

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJORNED AT 5:55 P.M.
Page 2
Minutes of Special Meeting
May 14, 2019

Mabel Washington Jenkins
Mabel Washington Jenkins, MMC
City Clerk

A true copy, teste:

City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer
CERTIFICATE OF CLOSED MEETING

MEETING DATE: May 14, 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: Price, Scott, Vick, Woodbury, Cherry, Harris, Jenkins
NAYS: None
ABSTENTION: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

ATTEST:

Mabel Washington Jenkins, MMC
City Clerk
F. Consent Agenda

3. Minutes of the Regular Meeting for May 14, 2019

   ACTION:  ●  N/A

   BACKGROUND:  ●  N/A

   FISCAL IMPACT:  ●  N/A

ATTACHMENTS:
   Description
   Minutes of Regular Meeting for May 14, 2019
MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
MAY 14, 2019
7:00 P.M.

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

ABSENT: None

A. Call to Order

Mayor Price called the meeting to order, and extended a welcome to all in attendance. 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 the availability of copies of the ordinance highlighting citizen participation, and encouraged citizens to review the document.

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

B. Invocation

The invocation was rendered by Reverend Terry Edwards, St. Augustine’s Episcopal Church.

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

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Price.

D. Presentations

1. Older Americans Month – May 2019

Ms. Angelia Edwards, Program Coordinator, Newport News Parks, Recreation, and Tourism Active Lifestyles Citizens Advisory Committee; Ms. Bobbi Hutchko, Program Supervisor, Newport News Parks Recreation and Tourism; Ms. Meghan Reed, Superintendent of Recreation Programs; and Mr. William Massey, Director, Peninsula Agency on Aging, accepted the Resolution.

Mayor Price advised that the City of Newport News included a growing number of older Americans who enriched and strengthened the community by connecting with and supporting older adults, their families, and caregivers, and acknowledging their many valuable contributions to society. The City recognized the importance of bringing all generations
D. Presentations Continued

1. Older Americans Month – May 2019 Continued

together, and engaging in activities that promote the physical, mental, and emotional well-being of all.

Mayor Price indicated that the City of Newport News could enhance the lives of Older Americans in the community by promoting home and community based services that supported independent living, and provided opportunities for older adults to work, volunteer, lead, and mentor.

On behalf of his colleagues on City Council, Mayor Price proclaimed the month of May 2019 as Older Americans Month as a tribute to mature adults, professionals, family members, and citizens who cared for older adults. He urged all citizens to work collaboratively to strengthen the services provided to older adults, and encouraged participation in special activities provided by the Peninsula Agency on Aging, Newport News Parks, Recreation & Tourism’s Active Lifestyles Program, Department of Human Services, and other service agencies in the community.

2. Proclamation: Emergency Medical Services (EMS) Week – May 19 - 25, 2019

Chief Jeffrey S. Johnson, Newport News Fire Department; Acting Deputy Fire Chief, Robert E. Lee, CO, EFO, Newport News Fire Department; as well as Captain Doug Crowsen, Captain Eric Gaskins, Captain Raymond Brumfield, and Captain James Masten, Newport News Fire Department, accepted the Resolution.

Mayor Price advised that Emergency Medical Services (EMS) was a vital public service. He indicted the members of the City of Newport News Fire Department EMS teams were ready to provide lifesaving care to those in need 24 hours a day, seven days a week. Access to quality emergency care improved the survival and recovery rate of those who experienced sudden illness or injury. EMS consisted of first responders, emergency medical technicians, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency room nurses and physicians, trained members of the public and other out-of-hospital medical care providers.

Mayor Price shared that members of the Newport News Fire Department EMS teams responded to approximately 30,000 calls for medical services annually, and engaged in thousands of hours of specialized training and continuing education to enhance lifesaving skills. The EMS Week 2019 theme, “Beyond the Call,” underscored the commitment and dedication of EMS providers who served their communities.

On behalf of his colleagues on City Council, Mayor Price proclaimed May 19 - 25, 2019 as Emergency Medical Services Week. He reminded that it was appropriate to recog-
D. Presentations Continued


nize the value and accomplishments of EMS providers and encouraged the community to observe the week with appropriate programs, ceremonies, and activities.

E. Public Hearings

1. Public Comments on the Effective Real Property Tax Rate Related to the Recommended Fiscal Year 2020 Operating Budget

Mayor Price advised that this item allowed an opportunity for City Council to receive public comments on the effective real property tax rate as it related to the Recommended Fiscal Year 2020 Operating Budget. The public hearing was required by State Code when a locality estimated an increase in property tax levies greater than one percent for the coming fiscal year. The current tax rate was $1.22 per $100 of assessed value. The lowered tax rate necessary to offset increased assessments would be $1.1879 per $100 of assessed value. The difference between the lowered tax rate and the proposed tax rate was $0.0321 per $100. The difference was 2.7% and was known as the effective tax rate increase. The City Manager recommended approval.

(No registered speakers)

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

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

F. Consent Agenda

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

1. Minutes of the Special Joint Meeting of the Newport News City Council and the Newport News School Board for April 16, 2019

(No registered speakers)

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

2. Minutes of the Work Session of April 23, 2019

(No registered speakers)

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

3. Minutes of the Regular Meeting of April 23, 2019

(No registered speakers)

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

4. Resolution of Recognition: Pastor Ivan T. Harris, 31st Anniversary and Retirement

A RESOLUTION OF RECOGNITION FOR PASTOR IVAN T. HARRIS. This resolution recognized the 31st Pastoral Anniversary and Retirement of the Pastor Ivan T. Harris, Pastor of First Baptist Church Denbigh. Pastor Ivan Harris began his service at First Baptist Church Denbigh in 1988 and assumed the role of full-time Pastor in 1991. Pastor Harris was the longest serving Pastor of First Baptist Church Denbigh, a church with over 155 years of history. It was the oldest organized African-American church in the City of Newport News.

Pastor Harris received his Bachelor of Science degree from Hampton University, and his Bachelor of Theology and Doctor of Divinity degrees from United Christian College in Goldsboro, North Carolina. Pastor Harris completed additional studies in the Master’s program of Trinity Seminary in Newburgh, Indiana and received a certificate in leadership from Regent University in Virginia Beach, Virginia.

Pastor Harris served in, and continued to serve on many conferences, conventions, committees, and boards, to include the Hampton University Minister’s Conference. Pastor Harris received numerous awards for his community service, including the Hampton University Presidential Citizenship Award in 2002. In 2003, the Mayor of the City of Newport News, Joe S. Frank, proclaimed April 4, 2003 as “Ivan T. Harris Day.”

Pastor Harris’ ministry took him on three (3) tours of Israel and to the Republic of Benin in Africa, where he facilitated First Baptist Church Denbigh’s efforts in the adopted village; the building of a well, a Christian school, a medical clinic, and a 300-seat church facility. Through Reverend Harris’ leadership, the First Baptist Church Denbigh Outreach Center
F. Consent Agenda Continued

4. Resolution of Recognition: Pastor Ivan T. Harris, 31st Anniversary and Retirement Continued

was dedicated in 2006. The Outreach Center provided transitional housing for women, a clothing closet, and a food pantry.

This Resolution of Recognition congratulated Reverend Dr. Ivan T. Harris on his 31st Pastoral Anniversary, and his retirement as Pastor of the First Baptist Church Denbigh, as well as his dedicated service to the First Baptist Church Denbigh and the community, and extended its best wishes for continued success. The City Manager recommended approval.

(No registered speakers)

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

G. Other City Council Actions

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget

City Manager Rohlf advised that the following were City Code related ordinances to enact the Fiscal Year 2020 Operating Budget.

1. Ordinance Amending City Code, Chapter 40, Taxation; Article II., Real Estate Taxes; Division 1., Generally; Section 40-12, Levied; Amount

AN ORDINANCE TO REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., REAL ESTATE TAXES, DIVISION 1., GENERALLY, SECTION 40-12, LEVIED; AMOUNT. This ordinance was for the calendar year beginning January 1, 2019, and ending December 31, 2019; and for each calendar year thereafter, unless changed, set the levied tax on all lands, lots of improvements thereon, and all other taxable real estate of public service corporations, at the rate of $1.22 on every $100.00 of the assessed value thereof.

This ordinance was also for the fiscal year beginning July 1, 2019, and ending June 30, 2020; and for each calendar year thereafter, unless changed, set the levied tax on all lands, lots of improvements thereon, and all other taxable real estate of public service corporations, at the rate of $1.22 on every $100.00 of the assessed value thereof.

This ordinance was required by State Code when a locality estimated an increase in property tax levies greater than one percent for the upcoming fiscal year.
G. Other City Council Actions

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

   1. Ordinance Amending City Code, Chapter 40, Taxation; Article II., Real Estate Taxes; Division 1., Generally; Section 40-12, Levied; Amount Continued

   The current tax rate was $1.22 per $100 of assessed value of real property. The lowered tax rate necessary to offset the increased assessments would be $1.1879 per $100 of assessed value. The difference between the lowered tax rate and the proposed tax rate was $0.0321 per $100. The difference was 2.7% and would be known as the effective tax rate increase. The City Manager recommended approval.

   (No registered speakers)

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

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

   (A copy of the ordinance is attached for convenience of reference and made a part of these minutes). The City Manager recommended approval.

2. Ordinance Amending City Code, Chapter 37.1, Stormwater Management, Article II., Service Charge, Section 37.1-14. Service Charge

   AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 37.1, STORMWATER MANAGEMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., SERVICE CHARGE, SECTION 37.1-14, SERVICE CHARGE, BILLING, PAYMENT, INTEREST, FEE AND LIEN. This ordinance amended the City Code, Chapter 37.1, Stormwater Management, Article II., Service Charge, Section 37.1-14. Service Charge. The service charge due to the City from property owners for stormwater management was based on the ERU (Equivalent Residential Unit) rate of one hundred forty-two and twenty cents per ERU ($142.20, an increase from $139.20) per year. When applicable, the service charge would be prorated at eleven dollars and eighty-five cents per ERU ($11.85, an increase from $11.60 to $11.85) per month. The City Manager recommended approval.

   (No registered speakers)

   Councilwoman Woodbury moved adoption of the above ordinance; seconded by Vice Mayor Vick.
G. Other City Council Actions

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

2. Ordinance Amending City Code, Chapter 37.1, Stormwater Management, Article II., Service Charge, Section 37.1-14. Service Charge Continued

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

(A copy of the ordinance is attached for convenience of reference and made a part of these minutes). The City Manager recommended approval.

3. Ordinance Amending City Code, Chapter 33, Sewers and Sewage Disposal; Article II., Connections to Public Sewer; Section 33-19, Charges

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., CONNECTIONS TO PUBLIC SEWER, SECTION 33-19, CHARGES. This ordinance changed the sewer connection charge for all users of the City’s sewerage system as shown below:

For single-family units when the lot or parcel of land was not assessed, the charge shall be three thousand four hundred fifty-nine dollars ($3,459, an increase from $3,383.00) plus a fee of one thousand three hundred eighty-two dollars ($1,382.00, an increase from $1,352.00) for the installation of a lateral. If a lateral had been previously installed to serve the property, no installation fee shall be paid at the time of connection.

For other than single-family units when the lot or parcel of land was not assessed, the charge shall be computed by multiplying the actual frontage of the lot or parcel of land by fifty-nine dollars ($59.00, an increase from $58.00) and adding the applicable charge specified in (b)(4) of Section 33-19.

For other than single-family, when a lot or parcel of land had been assessed, and was subdivided to create additional lots or parcels for development of other than single-family units, the charge for each lot or parcel not already connected to the sewer system shall be computed by multiplying the actual frontage of the lot or parcel of land by nine dollars and thirty-seven cent ($9.37, an increase from $9.25) and adding thereto the applicable charge specified in (b)(4) of this section.
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2019 Operating Budget Continued

3. Ordinance Amending City Code, Chapter 33, Sewers and Sewage Disposal; Article II., Connections to Public Sewer; Section 33-19, Charges Continued

Flat rate charges shall be based on the following:

For a single-family unit when the lot or parcel of land was assessed, a charge according to the following shall be paid:

Three hundred forty-four dollars ($344.00, an increase from $336.00) if paid in a single payment within the first twelve (12) months after the sewer involved was certified for connection.

Six hundred ninety-one dollars ($691.00, an increase from $676.00) if not paid as provided above.

Flat rate charges shall be based on the following (continued):

For property other than single-family, a charge based on the following shall be paid:

For each multifamily unit: Four hundred eighty-four dollars ($484.00, an increase from $473.00) per family unit.

For sewers serving commercial units: Six hundred ninety-one dollars ($691.00, increased from $676.00) for the first lateral exiting the structure plus four hundred eighty-four dollars ($484.00, increased from $473.00) for an additional lateral.

For sewers serving parcels zoned Light Industrial District (M1) or Heavy Industrial District (M2): Six hundred ninety-one dollars ($691.00, increased from $676.00).

For sewers serving parcels mobile home parks: Four hundred eighty-four dollars ($484.00, increased from $473.00) per mobile home site.

For sewers serving hotels and/or similar establishments: Four hundred eight-four dollars ($484.00, increased from $473.00) per unit.

(A copy of the ordinance is attached for convenience of reference and made a part of these minutes). The City Manager recommended approval.
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2019 Operating Budget Continued

3. Ordinance Amending City Code, Chapter 33, Sewers and Sewage Disposal; Article II, Connections to Public Sewer; Section 33-19, Charges Continued

(No registered speakers)

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

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

(A copy of the ordinance is attached for convenience of reference and made a part of these minutes). The City Manager recommended approval.

4. Ordinance Providing for the Adoption of a Classification and Pay Plan for the Employees of the City of Newport News

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A CLASSIFICATION AND PAY PLAN FOR THE EMPLOYEES OF THE CITY OF NEWPORT NEWS. This ordinance approved the FY 2020 Classification and Pay Plan, which the City was required to adjust annually, consistent with the other budget actions. This established a salary increase for the City workforce, based on merit, and adjusted the salary ranges for the various positions in the Pay and Classification Plan.

(No registered speakers)

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

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

(A copy of the ordinance is attached for convenience of reference and made a part of these minutes). The City Manager recommended approval.
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020

AN ORDINANCE TO APPROVE THE BUDGET AND APPROPRIATE FUNDS TO OPERATE THE CITY OF NEWPORT NEWS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020 INCLUSIVE. This ordinance adopted the Budget and appropriated funds to operate the City of Newport News for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020. The City Manager recommended approval.

Mr. Matthew DeGrave, 10 Dimmock Avenue, Newport News, commented on the Newport News Public School funding level. He had attended a previous meeting and recalled a member of the Newport News Education Association (NNEA) seeking a permanent increase in funding of approximately $2.7 million. Mr. DeGrave advised that he stood behind the NNEA and requested funding at permanent levels of approximately $2.7 million annually. It was his belief that children were the future. Afterschool programs were needed, where places for children to go when parents were working. He indicated an increase in funding would allow some of the programs to continue, new programs to occur, and the hiring of more teachers, which would mean smaller classroom sizes, with more one-on-one time for students.

Ms. Shermaine Sutton, 5401 Roanoke Avenue, Newport News, read a letter from Dr. Willard Maxwell, President of the Newport News Branch of the National Association for the Advancement of Colored People (NAACP), Pastor, of New Beech Grove Baptist Church, and a former educator, regarding funding for the NNPS. He stated access to quality education for all citizens was a right, not a privilege, and public schools were tasked with the challenge of educating the children of those least connected to the wealth and opportunities of society. He advised that he had followed the deliberations of City Council and the School Board regarding school funding. He had not heard consistent language, or seen actions, that had convinced him that current practices would lead to a better future condition for the students and families who relied on NNPS. The City had recommended level funding for NNPS for the past two years. The City had experienced economic growth in revenue, the NNPS had not shared in that growth. Dr. Maxwell reverenced the four recommendations provided by the School Board to City Council, and expressed full support for the recommendation. He further encouraged City Council establish a plan, in writing, for moving forward. He advised that the NAACP was opposed to decisions that would diminish funding for the NNPS (a copy of Dr. Maxwell’s letter is attached, in full, and made a part of these minutes).
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 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), shared the following facts: (1) the National Education Association (the union) had published data on teacher salaries. Over the past decade, average educator pay had declined when controlled for inflation; (2) Virginia ranked 32nd in the country for average teacher pay, which was $8,483 below the national average; (3) Virginia was the 11th richest state in the country; (4) one out of five teachers must take another job to make ends meet; (5) seventy-one percent (71%) of people think teachers were not paid enough; (6) Sixteen percent (16%) less funding went to districts with the highest poverty; (7) The “Red-for-Ed” movement spreading across the country was a response to the budget cuts resulting in overcrowded classrooms, student inequity, and severely underpaid educators and staff; (8) Public School employees were fighting back and demanding that lawmakers address better pay and school funding; and (9) Educators were raising voices for students, schools, and themselves. The VEA organized a rally of over 4,000 in Richmond as a result in January 2019. As President of the NNEA, Ms. Wagner advised that they condemn City Council’s vote.

Mr. August Bullock, 906 Center Avenue, Newport News, advised that he was a product of the NNPS, and began his career as an educator in Newport News in 1974. He indicated that it was an honor to address students and to observe the difference made in a student’s life while teaching. He referred to role model, Ms. Christa McAuliffe, an American Teacher and Astronaut from New Hampshire and one of seven crew members killed in the space shuttle Challenger disaster in 1986. Ms. McAuliffe’s theme was, “I teach, I touch the future.” The opportunity was available, with the budget, to touch the future. He questioned what would the children remember? Ms. McAuliffe was remembered as an effective educator, with a theme that always challenged people to continue to do what was right for children. Research in reference to student achievement and underfunding, spoke to the fact that funded schools tended to be better schools, which was addressed in a study by the Learning Policy Institute. With the rising operating costs and adjusting for inflation and types of changes, level funding was a cut for the NNPS. He urged City Council to review the NNPS Operating Budget, their rationale, reason, and their needs; but most important, think about what was best for children. Mr. Bullock stated, when policymakers make cuts, the cuts were insulated from the children, which meant teachers went deeper into their pockets so that the children would not be without. Teachers and staff made things better for children. He asked City Council to show support in every way possible.

Mr. Samuel L. Eure, Jr., 302 Penrith Crossing, Newport News, advised that the “Red-for-Ed” campaign from the NEA was a movement based on the unmet needs of the
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

public education system. The governmental system had underfunded public education at every level for so long that it has adversely affected the entire system, to include the following examples: (1) the significant drop in high school students expressing an interest in becoming teachers. The impact of that drop was a significant drop-off in the number of college students entering teacher preparation programs in college; and (2) the turnover of teachers was fifty percent (50%) in the first five years of teaching. Nationwide, and in the Commonwealth, the turnover rate was extremely costly. He questioned the cause of the large turnover. Mr. Eure indicated that most teachers entered their profession highly motivated to make a difference in the lives of their students. Teachers moved out of the profession due to an overemphasis on testing, the consistent multi-level attacks on teachers, their unions, and the public education system. Performance had brought about the de-funding of the neediest schools in favor of charter schools, the use of vouchers to siphon off public school money. The students cheapest to educate were recruited through what was as billed as a better educational alternative. The students that were most costly were left to educate in the public education system; i.e. the English Language Learners, students with special needs, and a large number of the economically disadvantaged. Each in the aforementioned categories had a higher associated cost in education. Mr. Eure advised if those students were disaggregated, he questioned the true cost of per pupil expenditure of the remaining regular average students. Those students who could afford it the least, were the ones underfunded most. The reason there was at-risk additional funding from the State as based on clearly established needs, and those needs had not diminished. In the Individuals with Disabilities Education Act, the federal government passed down an educational mandate, without the associated money needed to properly implement the program. The federal government had fallen short of meeting its obligations for the children of this country. The current trend was that it would continue for two years. The states and localities must fill in the gap to meet student’s needs. Because of the nationwide gap between those with similar education backgrounds and teachers, Virginia was the third worst in the country, and Newport News had a hand in that. He urged the full funding of the NNPS Operating Budget.

Ms. Jannie Bazemore, 1004 Hampton Avenue, Newport News, hoped, in adopting the City Manager’s Recommended FY 2020 Operating Budget, that City Council had decided to fully fund the NNPS budget request. She indicated the request was not excessive, but was necessary to retain a first-class school system in the City of Newport News. If the NNPS Operating Budget was not fully funded, Ms. Bazemore urged City Council to vote “no” on adoption.
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May 14, 2019

G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

Mr. John McMillan, 42 Ridgewood Parkway, Newport News, advised, as a former School Board member, he had some idea of the effort that both the School Board and the City Council had to expend to arrive at budgets that meet the needs of all of its citizens. He thanked members of City Council for that effort and the difficult decisions made. He indicated that everything that needed to be said, had already been said. He expressed support for the NNPS fully funded FY 2020 Operating Budget.

Mr. McMillan advised that he watched trends to see how things progressed. He shared the following examples: (1) The City’s revenue was up by $70.4 million over the past 10 years. The City’s contribution to the NNPS was up $6.2 million over the same period, meaning that in a 10-year period, 8.8% of economic growth went to the NNPS; (2) since 2016, the City’s revenue was up $21.7 million. The City’s contribution to the NNPS was up $0.7 million, or 3.2%. This trend showed that for the first eight years, the NNPS shared in the economic growth at an 11% rate; but in the past two years, NNPS the increase was 3%; and (3) For the 10-year period 2005 - 2014, the average was 27.1%, yet for the past three years, the average dropped to 25.3%, and in 2018, it would be 24.3%. Mr. McMillan pointed out that each 1% change equaled $4.9 million in the 2018 Operating Budget.

Mr. McMillan shared the comparison of NNPS raises at 10.5% and City raises at 15.25%. Since April 2017, the same issues occurred, with different figures, he pointed out that the same remarks were presented. He believed that everyone wanted what was best for the City and the NNPS. He believed that it could be achieved with the City Council and the School Board working together (a copy of Mr. McMillan’s remarks are attached and made a part of these minutes).

Delegate David Yancey, 423 Pin Oak Road, Newport News, shared that he represented Newport News in the 94th District, House of Delegates, and served on the Education Committee. He reminded that the Virginia General Assembly passed an important budget with regard to teacher pay raises, which was critical, not only for Newport News, but throughout Virginia. Many teachers stressed to him the importance of this matter when they came to Richmond to lobby for higher teacher pay. He added pay raises were an investment for the teachers, and for the NNPS, in an effort to provide a quality education. He promised to continue to work diligently with all members, in both chambers, to make certain that Newport News received the money needed in the NNPS budget from the State of Virginia to provide for teacher pay raises, and to get the NNPS the money needed to continue with the capital investments needed for new schools so that the City of Newport News could continue to be the great commu-
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

[Continues with text about the ordinance and its implications]

...nity loved by many (a copy of Delegate Yancey’s letter is attached, in full, and made a part of these minutes).

Vice Mayor Vick extended thanks to Delegate Yancey for the funding as she recalled that State funding had continued to decrease for education since her election to City Council in 2008.

Ms. Mary Vause, 350 Williamsburg Court, Newport News, commented on the following subjects mentioned at the earlier City Council Work Session of May 14, 2019: (1) categorical funding, suggested by Councilwoman Dr. Patricia Woodbury. Ms. Vause indicated that categorical funding would be terrible for the already underfunded school system because NNPS would be forced to give money back at the end of each fiscal year, which was spent on student technology, maintenance and repair for the school buildings that were an average of 50 years old. She further indicated that it did not make sense to suggest that the underfunded school system give money back to the City at the end of the year rather than spending it on the desperately needed one-time expenses. Ms. Vause stated, if the Mayor’s committee to consider school funding long-term would seriously consider categorical funding as a legitimate option, the committee was going in the wrong direction. She recalled, over the past three budget cycles, NNPS teachers, staff, parents, and community members, came before City Council to advocate for better school funding, with the solution being more school funding, not less; (2) Ms. Vause was disappointed to hear the City Manager claim that her proposed FY 2020 Operating Budget fully funded NNPS, which was not true. She indicated that $2.4 million in Cash Capital was one-time funding that would only fund one year of the NNPS FY 2020 Operating Budget. Ms. Vause questioned what would occur in Year #2 when NNPS still needs to pay for the recurring two percent (2%) salary increase, and the recurring cost of desperately needed new positions, such as School Counselors, School Security Officers, and ESL (English as a Second Language) teachers and staff for the rapidly growing ESL population? Would City Councilmembers act surprised because they believed the City Manager’s claim that $2.4 million in one-time Cash Capital funding could somehow fund two percent (2%) raises and new salary positions for the NNPS long-term year after year? She advised the $2.4 million in Cash Capital was not full funding, but a temporary band-aid that allowed the City Manager to save face and to avoid the issue of the underfunded schools, and the children not receiving the funding they needed and deserved. Ms. Vause inquired whether City Council would make a real change and push back on the City Manager’s annual budgets that stagnated City funding for the NNPS since 2013, and level funding recommended in 2019 – a zero percent (0%) increase for NNPS. Ms. Vause indicated it was time to question some of the information received from those who claimed that NNPS did not deserve more funding until the students passed their SOLs (Standards-of-Learning) tests. As
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

a NNPS teacher, Ms. Vause indicated that students struggling to pass their SOLs deserved more funding, not less. She urged City Council to vote against the City Manager’s Recommended FY 2020 Operating Budget that did not fully fund the NNPS.

Mr. John Shifflett, 101 Meadowbrook, Williamsburg, shared that he was a member of the Newport News Education Foundation and a former product of the NNPS. He extended thanks to Councilman Dave Jenkins for his comments and perspective with regard to supporting public education from the perspective of understanding what was actually occurring in his words and deeds, and thanked him for his leadership. Mr. Shifflett encouraged City Manager Rohlif and members of the City Council to consider the views Councilman Jenkins expressed, and consider a better way for adequately address the financial needs of the NNPS – operations, maintenance, and strategic improvement needed to be addressed. He encouraged City Council to be courageous, take the necessary time, obtain the right information, and aggressively pursue a way to a brighter future, and not keep the status quo. This ordinance was about investing in the City’s future and its prosperity through the youth and future workforce members.

Ms. Renee Sykes Lovett, 25 Riverlands Drive, Apt. B, Newport News, extended congratulations on the City being a recipient of a $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative (CNI), presented by the Honorable Ben Carson, Secretary, United Stated Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. Ms. Lovett expressed excitement and anticipation for great improvements in the Ridley Place/ Marshall Courts community as a result. She looked forward to a new Huntington Middle School, a new housing area or mixed-use project. She was expecting great things to come in the CNI due to the $30 million grant award.

Ms. Jayne DiVincenzo, 303 Park Place, Newport News, expressed appreciation to members of Council for the time and energy put into budget discussions related to the NNPS Fiscal Year 2020 Operating Budget, and was especially appreciative to Councilman Jenkins for his wisdom and new perspective. She indicated that everyone wanted the same goal – a thriving City that attracted workers, employers, and young families that caused them to live in Newport News after retirement. The City had a number of strengths – a long history, diversity, geography, several large employers and numerous caring, friendly people. Ms. DiVincenzo advised that everyone needed to change their view of their assets and what was valued. As a Financial Advisor, she was aware, where we spent, showed what was most important. She wanted to live in a City where people clamored to be. She indicated everyone
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

should be visionaries and not critics. She further indicated that everyone wins when the most valuable resources were strong, supported, and prized. She encouraged City Council to make Newport News the envy of everyone in the State of Virginia, with top-notch resources for the schools, teachers lining up to work in Newport News, a well paid staff who were appreciated and respected, students transferring in from other areas, and employers hoping to land a graduate from one of the many innovative programs. She found numerous studies that showed that local spending on schools had a huge impact on outcomes in the cities; i.e. reducing poverty, increasing wages and salaries long-term. When school budgets were cut and left level, schools lost out, but the City lost the most. Decisions were being made that would impact the future three, four, and five years into the future. Ms. DiVincenzo advised that her greatest concern was what was considered a good, economic period, while cutting school funding, and inquired what would be done in the next recession.

Ms. Zawadi Stith, 7 Hull Street, Newport News, shared that she was a Warwick High School graduate, and student at Virginia Commonwealth University. She felt it important for City Council to hear, from a student’s standpoint, the urgency to fully fund the NNPS Budget request. She was saddened to hear that the City Manager and the City Council were cutting funding for teachers, school faculty, improvements and school programs. Studies showed that a direct correlation between expenditures by cities on education and a decline in poverty. An increase in wages and earnings of the students who were in schools with growing versus shrinking budgets. Ms. Stith inquired why the City would keep putting the NNPS on the chopping block. She asked whether the students, the future of the City, the teachers and the school employees not a cornerstone to the City, the City’s reputation, and its values? She further asked why City Council would want to be known for doing the least possible for the NNPS versus the most possible. Ms. Stith advised that Warwick High School was crumbling, and needed more counselors, staff, and to reward hardworking teachers that made sacrifices to benefit their students. Ms. Stith urged City Council to reconsider their decision and make school funding, repairs, and teacher pay a priority, and create a long-term plan for success.

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

Councilwoman Scott, addressing the Superintendent of the NNPS, Dr. George Parker, the School Board, the citizens, teachers, and everyone impacted, indicated that she heard their comments and understood their concerns, and indicated there was something that could be done better. She advised that she planned to vote for the City Manager’s Recommended Fiscal Year 2020 Operating Budget. The City Manager and her staff had planned and worked on
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

the budget, with a great deal of thought prior to making her recommendation. Councilwoman Scott was disturbed by some of the misinformation. Teacher salaries were not being cut. She advised that she looked forward to working with Dr. Parker and the School Board, as well as staff, to ensure something different was done for the FY 2021 Budget cycle. She respected the City Manager’s recommendation and expressed support for City Manager Rohlf’s Recommended FY 2020 Operating Budget.

Councilman Harris explained his reason for voting against the previous ordinances (G1.1, G1.2, and G1.3). He indicated this was his third budget, and it seemed as though the process was getting worse. He appreciated Mayor Price’s recommendation for the establishment of a committee in an effort to alleviate the budget pains. He recalled the misinformation going back and forth from the FY 2019 Operating Budget, and it seemed as though the cycle was being repeated. Until a process was in place, he chose to vote against the Operating Budget. He advised that it was not worthy of the applause heard throughout the Chambers, because he felt both the School Board and the City Council members needed to do a better job together. There should be no divisiveness during each budget cycle. City leaders should be able to put their priorities in order and move forward in a respectful and civil manner until the process was streamlined, based on Mayor Price’s recommendation for the establishment of a committee.

Vice Mayor Vick corrected a point of misinformation. She clarified that that City Council was not cutting NNPS funding. She agreed that it was disturbing when the two governing bodies (City Council and the School Board) were unable to communicate in an effective manner. Vice Mayor Vick indicated that Dr. Parker seemed like a different person than the individual she met with in September 2018, with a vision for the relationship between the City Council and the School Board. Vice Mayor Vick reiterated the point that City Council did not give NNPS employees raises, which was up to the School Board and the Superintendent. She indicated there were millions of dollars available from the State, as mentioned by Delegate David Yancey, to help increase school budgets. She expressed her support for the City Manager’s Recommended FY 2020 Operating Budget.

Councilwoman Woodbury recalled the request from the NNPS was $113.3 million, and were provided funding in the amount of $113.3 million. She explained the reason for suggesting categorical funding was so the teachers and staff would receive raises they deserved, which was a decision to be made by the Superintendent of the NNPS and the School Board, and not City Council. Councilwoman Woodbury advised that she wanted to see decent
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

raises for the teachers. She agreed that the schools were old, but every parent wanted their child to attend Hilton Elementary School, which was the oldest school in the NNPS system. She wanted to see the City as the Education City, and did not want realtors suggesting the children be sent to York County schools, and still did not want to hear that. She advised the two bodies had to come together as reasonable people and discard the rhetoric that was not true. She reiterated, the NNPS were funded at the same amount they requested, $113.3 million. Oftentimes, money needed to come from different pots. She indicated there were 5,000 less children in the NNPS than when she served on the School Board. She further indicated the budget was much higher. She reiterated that NNPS did indeed receive additional State funding. She asked everyone to take a deep breath because the divisiveness and the accusatory language achieved nothing and was a bad example for the children.

Councilwoman Cherry read her comments, “As an Educator and realizing all of the work that goes into preparing our children to become college, careers, and citizen ready, I say thank you to each one of you. Thank you to the School Administration. Thank you to the Building Administrators. Thank you to the Bus Drivers. Thank you to the Custodial Staff. Thank you to the Parent-Teacher Specialists. Thank you to the Library Staff. Thank you to the Graduation Coaches. Thank you to the Professional School Counselors. Thank you to the Crossing Guards. Thank you to the Teacher Assistants. Thank you to the Nutrition Staff. Thank you to the School Security Staff. Thank you to the Athletic Coaches. Thank you to all support staff that I have not named... Thank you to all of you. I want our schools to be the best that they can be – all accredited – representative of a stellar public school system. Because of this, I would like to encourage the teachers, and other support staff, to lobby from a position of advocacy, rather than being an adversary. I encourage you to engage your State Legislators, who sit on the House Education Committee, to move in the position direction to bring K-12 funding above pre-recession levels. Because I believe that our children are valuable, education is paramount, and the City needs substantial revenue to serve all residents in the City. It will be important, from this point forward, we as the City, should also send a message to our State Legislators that more has to be given to the localities in order to fund the school’s needs, so that not only teachers, but all school personnel, can be provided salaries they deserve. There is much work that still has to be done to bring satisfactory funding to the schools; however, in reviewing the Operating Budget for the entire City, it is at this point that I support the City Manager’s Recommended FY 2020 Operating Budget so that the city can exercise fiscal responsibility to meet all of the needs of all of the citizens of the City. I look forward to working with the School to see decent raises.
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

Mayor Price warned attendees that signs were not allowed in the Council Chambers, and they would be removed if not taken down.

Mayor Price advised that this had been a roller coaster week for him. To see teachers acting in a disruptive manner, and to see elation in the City Council Chambers on May 13, 2019, for something done on a national level for the City of Newport News; and 24 hours later, to return back to the City Council Chambers under different circumstances hurt his heart. (The City of Newport News was awarded a $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers). Mayor Price indicated that he loved the City of Newport News, and people on the City Council loved the City of Newport News, and had dedicated their lives to making it better. He further advised that a better process must be established. He indicated he would not go through a divisive budget process again. He pledged that he would do what he could and that a better process would be established. There must be communication between the School Board and the City Council, and an understanding of one another’s needs and resources to make the community whole. He stated “throwing one another under the bus” and pointing fingers, would not continue, and he made a pledge to assist in improving the relationship between the School Board and the City Council. He further advised that Newport News City Council was required to do what was right for the whole City. He expressed his support for the City Manager’s Recommended FY 2020 Operating Budget.

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;
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

(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
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

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 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
G. Other City Council Actions Continued

1. City Code Related Ordinances to Enact the City Manager’s Fiscal Year 2020 Operating Budget Continued

5. Ordinance Adopting the Budget and Appropriating Funds to Operate the City of Newport News for Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020 Continued

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: Price, Scott, Vick, Woodbury, Cherry
Nays: Harris, Jenkins

(A copy of the ordinance is attached for convenience of reference and made a part of these minutes). The City Manager recommended approval.

2. Ordinance to Amend and Reordain City Code Chapter 31, Pensions and Retirement, By Adding Thereto Another Article, Namely: Article IV., Line of Duty Act

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 31, PENSIONS AND RETIREMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY ADDING THERETO A NEW ARTICLE, NAMELY: ARTICLE IV., LINE OF DUTY ACT. This ordinance amended and reordained the City Code, Chapter 31, Pensions and Retirement, by adding a new Article, namely: Article IV., Line of Duty Act. The Line of Duty Act (LODA) provided health and death benefits to certain public safety employees who were killed or injured in the name of duty. LODA benefits were mandated by the State and funded by the localities. In 2016, the City established a LODA fund to pay benefit expenses. The City’s
G. Other City Council Actions Continued

2. Ordinance to Amend and Reordain City Code Chapter 31, Pensions and Retirement, By Adding Thereto Another Article, Namely: Article IV., Line of Duty Act Continued

external auditors recommended the LODA fund be formally established as an irrevocable trust. The proposed amendment to Chapter 31 established the LODA fund as a trust fund administered by the Board of Trustees of the Newport News Employees’ Retirement Fund. The City Manager recommended approval.

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

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

H. Appropriations

None

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

Mr. Antonio Thompson, P. O. Box 413, Newport News, quoted Bible scriptures from Matthew 10:7, I Corinthians 15:52, as well as 1 Thessalonians 4:16, alluding to United States President, Donald Trump, being the Trump of God. He advised that United Stated President, the Honorable Donald Trump, would be re-elected in 2020.

Mr. Thompson suggested that all citizens come together - Christians, Muslims, and Jews around the world.

In honor of National Police, May 12-18, 2019, Mr. Thompson extended his thanks to Chief Steve Drew, and members of the Newport News Police Department (NNPD) for their service and sacrifice.

In honor of Emergency Medical Services (EMS) Week – May 19 - 25, 2019, he extended thanks to Chief Jeffrey Johnson and members of the Newport News Fire Department (NNFD) for their service.

Mr. Thompson urged City Council’s support for a 100% salary increase for the men/women of the NNPD, and the NNFD, followed by the remaining City employees.
I. Citizen Comments on Matters Germane to the Business of City Council
Continued

Mr. Thompson recommended the closing of Detention Centers and Jails.

Mr. Thompson extended congratulations to the City of Newport News on being
awarded a $30 million Housing and Urban Development (HUD) grant award for the Choice
Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States
Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in
the City Council Chambers. Mr. Thompson extended thanks to United States President Donald
Trump and HUD Secretary Dr. Ben Carson.

Ms. Joan Wood-Moore, 141 Libby Street, Hampton, commented about funding
for the NNPS, particularly about funding for the construction of Huntington Middle School. She
also hoped for a better system for working together between the City Council and the School
Board when it came to funding for the education of students. Relying on her Planning
background, Ms. Wood-Moore advised that one of the calling cards for any city is the quality of
life that was provided for its residents. In that quality of life was the education of the students,
the quality of the schools, and whether they were adequately staffed, and whether the schools
were staffed with qualified personnel. She indicated a well-educated City was a calling card for
employers and businesses. Individuals seeking employment first want to know what the
educational system was like in a particular city. She advised if the NNPS were not funded, the
City of Newport News could not be a calling card for businesses, recreation, and other services in
an effort to attract people to come and live. It was not only about a beautiful waterfront, or the
museums, which were the secondary reason to move to a City. The educational system was
fundamental to individuals making decisions to come to the City. Ms. Wood-Moore suggested
members of City Council and the School Board come up with a joint plan for adequately funding
the NNPS.

Ms. Lakisha Ireland, 530-52nd Street, Newport News, shared that she was a
parent to two students who attended NNPS, and was a big advocate for each student in the NNPS
system. Ms. Ireland thanked Mayor Price and Council members who were able to show tact
under fire as elected officials were to carry themselves in a certain manner of decorum, and she
expressed appreciation to them.

Ms. Ireland commented on the Minutes of the Special Joint Meeting of April 16,
2019, between the Newport News City Council and the School Board. She highlighted a number
of pages as follows: (1) On Page 7, Mayor Price stated it was his belief that the future needs of
NNPS would not be using the current budget method, and suggested the formation of a committee
to look at the future needs of the City and the manner in which it was funded; (2) The minutes
repeated the phrase, “there was no long-term solution,” which was mentioned four times – page 7,
page 8; and on page 9, Councilwoman Scott hated that we keep harping on the same conversation
over and over. Ms. Ireland stated, if no long-term solution was established, we would continue
to harp on the situation over and over. She typically watched the Council Meetings from home,
but would try to come more often. Ms. Ireland indicated that she and her friends who vote, would
I. Citizen Comments on Matters Germane to the Business of City Council

Continue to advocate for what was needed over and over; (3) On Page 10, School Board Member Douglas Brown mentioned there needed to be an opportunity for a long-term solution; and (4) on Page 11, Councilwoman Woodbury suggested that some of the teachers were beating up on Council members. Ms. Ireland disagreed, she considered it passion as opposed to a beating, and sometimes the passion may not come across in the right way. Ms. Ireland shared that she loved education and she loved the City of Newport News. She asked that City Council not take the teacher’s passion as a beating and suggested they come up with a long-term solution (a copy of Ms. Ireland’s notes are attached and made a part of these minutes).

Ms. Jannie Bazemore, 1004 Hampton Avenue, Newport News, extended congratulations to all who were involved in the City of Newport News obtaining the $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United Stated Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019. She knew that a great deal of hard work went into the CNI grant application.

Ms. Bazemore advised that she was aware that things took time, but there was a timeline of over 10 years regarding Huntington Middle School. City Council should stop prolonging the matter. She asked why citizens must wait before beginning to work on rebuilding Huntington Middle School when the NNPS had plans to move forward with. As was mentioned, in June 2020, Huntington Middle School would exist only on paper unless something was done. She indicated that it was unacceptable that Huntington Middle School would exist only on paper when the Huntington High School Alumni Association had fought for over 10 years. The City needed to move on getting Huntington Middle School re-opened immediately. In the words of former First Lady Michelle Obama, “Let’s Move.” Ms. Bazemore urged City Council not to fail the children. The children in the Southeast Community should not have to go to school above Mercury Boulevard on a daily basis to attend Middle School. She encouraged that the necessary funding be provided for Huntington Middle School to be rebuilt. Ms. Bazemore concluded with her signature phrase, “Huntington (Middle School) would rise again.”

Mr. Adrian Whitcomb, 316-54th Street, Newport News, extended congratulations to the City’s Department of Planning and all who were involved in the City of Newport News obtaining the $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United Stated Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019. Mr. Whitcomb hoped that the City would practice forward thinking in all areas.

Mr. Whitcomb advised that he grew up in the City of Newport News and knew what it was like to be in the City over a long period of time. He recalled a time when NNPS were considered the best on the Peninsula.
I. Citizen Comments on Matters Germane to the Business of City Council Continued

Mr. Whitcomb recalled a time when there was more access to the waterfront. He suggested the leaders of the City should decide what they wanted in Newport News. He suggested that members of City Council start discussions for the FY 2021 Budget cycle early.

Mr. Whitcomb recalled attending a ceremony celebrating the 50th Anniversary of Newport News Park in 2016. He was inspired over the next 50 days to take a walk in as many different parks as possible. He suggested that City Council spend time in the parks, in the schools, and in other places where they had heard discussion about the needs of the City, including HRT buses, in an effort to learn what the City was like. He further suggested that think about the people and go to places the citizens visited - meeting them on their level.

J. Old Business, New Business and Councilmember Comments

Councilwoman Woodbury advised that State offices would be closed on Friday, July 5, 2019. The Fourth of July was on a Thursday, Councilwoman Woodbury made a motion to grant additional time off for the Forth of July holiday, to include one (1) full day on Friday, July 5, 2019, as a paid holiday for City employees in addition to the regular holiday (July 4th) set forth in the City Code; seconded by Councilwoman Cherry.

Mayor Price stated, historically, City Council allowed the City Manager to make such recommendations, with consultation with City Council. He recommended that City Council revert back to that practice, so not to appear as a political move. Cynthia Rohlf was the Manager, and hires and fires employees. He felt it was a management decision that should be recommended to City Council.

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

Councilwoman Cherry thanked Mayor Price for bringing that to City Council’s attention.

Councilman Harris also thanked Mayor Price for bringing that to City Council’s attention.

Vice Mayor Vick advised that she voted in favor or the additional day off, but with all due respect to City Manager Rohlf, her vote was for the employees, and not out of disrespect to the City Manager in her role.

Councilwoman Woodbury advised that she had spoken with the City Manager about her intention of granting an additional day off for employees, prior to making the motion.
J. Old Business, New Business and Councilmember Comments Continued

Mayor Price extended thanks to everyone involved in the CNI grant application process. The City of Newport News was awarded a $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. The City of Newport News was one of three cities in the country that received $30 million to embark on a transformational plan for an area which had been neglected for years (Marshall Courts-Ridley Circle community). Mayor Price extended special thanks to City Manager Rohlf, who encouraged him and would not let him get down when the City was not awarded the $30 million grant funding in 2018. She advised, positively, the City would receive the grant funding and would continue their efforts. He commended members of City Council, who also remained positive. HUD Secretary Ben Carson mentioned that failure sometimes made one stronger. Mayor Price further advised that all Newport News citizens should also be proud of City Manager Rohlf, the Council, the staff, and the citizens who lived in the Marshall-Ridley Community, who pushed for the grant funding. The $30 million grant award was a major milestone for the entire City and he looked forward to the coming years as the plans were developed to transform the Marshall-Ridley community.

Councilwoman Scott applauded the staff and all who were involved in the City receiving $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. She was especially proud of the staff who was tasked with filling in the gap and the shortcomings of the proposal that was rejected the first time that had the Mayor in tears. Councilwoman Scott shared the CNI grant award was a paradigm change for the entire City and she looked forward to the possibilities as the impact would be felt across the City of Newport News. She thanked City Manager Rohlf for keeping the process going and her contributions to the process.

In recognition of Older Americans Month, Councilwoman Scott advised the she was an older American. She further asked citizens to check on their elderly and senior neighbors who may not want to ask for assistance. The City had in excess of 30% of citizens over the age of 65.

Councilwoman Scott announced that there would be no May North District Town Hall Meeting, but would reconvene on June 24, 2019.

Vice Mayor Vick commended the City Manager, the staff, and especially Ms. Karen Wilds, Director, Newport News Redevelopment and Housing Association (NRRHA), for their hard work on the City receiving $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. The NRRHA was the lead agency in assisting to secure the grant award. Vice Mayor Vick advised that she was born and raised in
J. Old Business, New Business and Councilmember Comments Continued

downtown Newport News, and the grant award meant a great deal to her, as there was a time when people did not want to come to the 23607 area. Before she was elected to City Council in 2008, the climate on the City Council included turning a blind eye to the Southeast community due to a lack of investment in the area. Vice Mayor Vick advised that she felt good about the entire Council with the work and dedication to an area on which many turned their back due to the make-up of the income and the economics of the Southeast Community. This would be a huge step in the right direction for the citizens and the youth who knew, due to the $30 million investment, they were valued. She commended the staff of all departments for their hard work, which was a huge team effort. Vice Mayor Vick extended thanks to Chief Steve Drew, NNPD, for eloquently leading the United States Department of HUD Secretary, the Honorable Ben Carson, into the City of Newport News. She thanked God for the opportunity for new housing, small businesses, and those who would not normally be able to gain economic equity in America.

Vice Mayor Vick reminded citizens about the 31st Annual Clean the Bay Day, scheduled for Saturday, June 1, 2019, 9:00 a.m. – 12:00 p.m., at hundreds of sites across Virginia. She encouraged citizens to join this Virginian tradition and help improve their natural environment. This was Virginia’s single largest day of litter removal and one of the largest volunteer events in the community. Sites in the Southeast Community included Peterson’s Yacht Basin (1325-16th Street) and Huntington Park (Riverpark Road).

Councilwoman Woodbury commended the City Manager, the staff, and all involved in securing the $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. She reiterated the word used by Secretary Carson, “persistence,” of which City Manager Rohlf was a perfect example.

Councilwoman Woodbury shared that she was privileged to speak to a Men’s Bible Group at First Baptist Church on Saturday, May 11, 2019. She received numerous questions about the City. They requested some of the City Council Meetings be held in other parts of the City. City Manager Rohlf was looking into the possibility. Councilwoman Woodbury hoped it would come to fruition as she valued what citizens had to say. She wanted City Council to be transparent, and a City that worked together for the good of all.

Councilwoman Cherry thanked the citizens for their attendance and participation, and for sharing their thoughts and ideas. She indicated that their thoughts, ideas, and suggestions were appreciated.

Councilwoman Cherry advised that she was out of town for a documentary taping on Newport News, which she hoped would be aired in the Fall of 2019.

Councilwoman Cherry apologized that she missed the $30 million Housing and Urban Development (HUD) grant award presentation for the Choice Neighborhood Initiative, by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Develop-
Old Business, New Business and Councilmember Comments Continued

ment, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. She offered congratulations to City Manager Rohlf, the Planning staff, and all of the Departments who helped the City successfully receive the $30 million grant. The funding was very much needed. It was her belief that the City would witness a transformation in the Southeast Community. She offered the following words of encouragement to City Manager Rohlf, “the race is not given to the swift, nor the battle to the strong, but to the one that endured to the end.” Councilwoman Cherry extended thanks to City Manager Rohlf for never giving up and for having the endurance for the City.

Councilwoman Cherry extended condolences to the families of Ms. Brenda Griffith; Ms. Betsy Robinson, and Ms. Brenda Morst. The deaths were sudden, and promised to keep the families in her prayers.

Councilwoman Cherry recognized the NNPD, announcing the Police Memorial Service, scheduled for Saturday, May 17, 2019, 7:00 p.m., at the Mariners’ Museum (100 Museum Drive). She thanked all of the First Responders, especially the Police Department, for their service. She paid tribute to the legacy of those who lost their lives in the line of duty. She encouraged the community to attend the ceremony and show their support.

Councilwoman Cherry extended compliments and gave kudos to Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, for the great Newport News Children’s Festival of Friends, held on Saturday, May 4, 2019, at Newport News Park.

Councilwoman Cherry extended thanks to Mr. Poplawski and staff for the great National Tourism Week Luncheon, held May 8, 2019, 12:00 p.m. – 1:30 p.m., at the Virginia War Museum (9285 Warwick Boulevard). She shared that both of the aforementioned events were representative of the lively activities provided for the residents of Newport News.

Councilwoman Cherry announced that the next South District Your Voice Matters Town Hall Meeting, was scheduled for Thursday, May 16, 2019, 6:00 – 7:30 p.m., at the Downing Gross Cultural Arts Center (2410 Wickham Avenue). Professional School Counselors would be present to give presentations. She encouraged them to tell their story, as they were the backbone for the children and youth in the school system. All citizens were invited to attend.

Councilman Harris extended congratulations to Pastor Peter Evans, Pastor, Colossian Baptist Church (856 Old Fort Eustis Boulevard). Pastor Evans celebrated his 20th Pastoral Anniversary, on Sunday, May 12, 2019.

Councilman Harris extended congratulations to Reverend Dr. Ivan Harris, Pastor, First Baptist Church Denbigh (3628 Campbell Road). Pastor Harris was officially retired, after serving as Pastor for 31 years. Councilman Harris shared that both Pastor Evans and Pastor Harris had been stalwarts in the community.
J. Old Business, New Business and Councilmember Comments Continued

Councilman Harris extended a cordial welcome and congratulations to Pastor William J. Spencer, who was installed as Pastor at First Baptist Church Morrison. First Baptist Church Morrison was the church that Councilman Harris’ father pastored for 45 years.

Councilman Harris echoed the sentiments of his colleagues, he extended congratulations to City Manager Rohlf and the City staff for their hard work on the City receiving $30 million Housing and Urban Development (HUD) grant award for the Choice Neighborhood Initiative, presented by the Honorable Ben Carson, Secretary, United States Department of Housing and Urban Development, at a ceremony on Monday, May 13, 2019, in the City Council Chambers. He shared that he attended a conference in Pittsburgh three years ago, and has the opportunity to witness firsthand how a Choice Neighborhood Initiative grant could impact a community. He envisioned what such a grant could do in the City of Newport News. He commended thanks and appreciation to the community soldiers - members of the Marshall-Ridley transformation team who assisted in the process and persevering. He recalled after Newport News had been turned down for the first grant, his colleagues used the term, “when,” and not “if,” making reference to Newport News receiving the grant award. Witnessing the excitement from the Award Presentation was a joyous occasion.

Referencing Vice Mayor Vick’s comments about the 23607 zip code, he shared the accomplishments of one Heritage High School graduate, from the 23607 area, who also attended Ferguson High School prior to its closure, who was commissioned as a Circuit Court Judge in Fairfax, Virginia – the Honorable Dontae L. Bugg. Judge Bugg was the first African American male commissioned as a Circuit Court Judge in Fairfax, Virginia, in 25 years. Councilman Harris was joined by Vice Mayor Vick, and numerous Newport News residents, for the celebration. Councilman Harris mentioned that Judge Bugg’s mother, Ms. Monica Plummer, a City of Newport News employee, and Chair of the Employee Price Task Force, was at the April 23, 2019 Regular Meeting of City Council to receive the proclamation for Public Service Recognition Week – May 5-11, 2019.

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 District 41 Sports Bar, located at 605 Pilot House Drive (location was changed from Shockwave Strength and Performance, at 315 Chatham Drive). The event would bring entrepreneurs, non-profit organizations, and 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 Jenkins recalled that he approached City Council two years prior to seek money for NNPS. He was told the money was in the budget, which it was not. He advised being told there was money in the budget for NNPS in 2018, but it was not. He advised, at its May 14, 2019 Regular Meeting of City Council, City Council had an opportunity to put money in the budget for NNPS to ensure they had all of the funding needed as requested, but City Council did not. He shared the following quote by Thucydides over 2400 years prior “Right, as the world goes, is only a question between equals in power, the strong do what they can, and
J. Old Business, New Business and Councilmember Comments Continued

the weak endure what they must.” He further advised, throughout the budget cycle, the City Council had never seen the School Board as an equal governing body, and therefore had never sought the fair solution to school funding the City. They had, used the process as a means to malign and vilify other elected officials in the City that the citizens elected to be the voice on education. When the school had asked for fair funding to educate the children, the City Council sought to use an excuse to extend their power over the school budget and education policy — a power denied by the structure of the local government. When the NNPS asked for funding, rather than providing that funding the City asked that the NNPS return money to the City. Right is only a question between equals in power. As long as the City Council refused to acknowledge and respect the School Board’s independent authority to manage the schools, rightness and fairness would not be achieved. It would not be a goal, and the City would suffer. Councilman Jenkins thanked the parents, teachers, citizens, the City leaders and organizations who spoke out for education. He urged them to see this as a setback and a delay, not a defeat (a copy of Councilman Jenkins remarks are attached in full and made a part of these minutes).

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 8:43 P.M.

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk
F. Consent Agenda

4. Resolution of Recognition: St. Paul's Episcopal Church

ACTION: A REQUEST TO APPROVE A RESOLUTION RECOGNIZING ST. PAUL'S EPISCOPAL CHURCH FOR ONE HUNDRED AND THIRTY YEARS OF SERVICE TO THE CITIZENS OF NEWPORT NEWS.

BACKGROUND: • In 1880, The Reverend C.J.S. Mayo was assigned the renewal of the Episcopal Church in Warwick County, and officiated services in a school house at Gum Grove, located in what is now midtown Newport News.

• On Easter Monday in 1883, St. Paul's Episcopal Church was formally organized by the election of a vestry.

• On Easter of 1900, St. Paul's Episcopal Church held its first service in its present location at 34th Street, which has remained a landmark in downtown Newport News for one hundred and nineteen years.

• St. Paul's Episcopal Church has served the community in a myriad of ways, including providing a haven for members of the armed forces during World War I and World War II.

• St. Paul's Episcopal Church has provided community outreach to the less fortunate in the community, striving to help those facing the challenges of hunger and poverty through its Community Action Network.

• The Resolution of Recognition wishes to recognize and congratulate the St. Paul's Episcopal Church family on its many years of dedicated service to the citizens of the City of Newport News. It acknowledges the many individuals who have supported the Church and its leaders in their commitment to mankind through the numerous ministries, programs, services, and opportunities for fellowship.

• The City Manager recommends approval.

FISCAL IMPACT: • N/A
ATTACHMENTS:
Description
sdm16888 Recognition re St. Paul's Episcopal Church
RESOLUTION NO. ______________

RESOLUTION OF RECOGNITION

WHEREAS, the Council for the City of Newport News, Virginia, would like to recognize St. Paul’s Episcopal Church, which is closing after more than one hundred and thirty years of service to the citizens of Newport News; and

WHEREAS, in 1880, The Reverend C.J.S. Mayo was assigned the renewal of the Episcopal Church in Warwick County, and officiated services in a school house at Gum Grove, located in what is now midtown Newport News; and

WHEREAS, on Easter Monday in 1883, St. Paul’s Episcopal Church was formally organized by the election of a vestry; and

WHEREAS, on Easter of 1900, St. Paul’s Episcopal Church held its first service in its present location at 34th Street, which has remained a landmark in downtown Newport News for one hundred and nineteen years; and

WHEREAS, St. Paul’s Episcopal Church has served the community in myriad ways, including providing a haven for members of the armed forces during World War I and World War II; and

WHEREAS, St. Paul’s Episcopal Church has provided community outreach to the less fortunate in the community, striving to help those facing the challenges of hunger and poverty through its Community Action Network; and

WHEREAS, the Council for the City of Newport News wishes to recognize the St. Paul’s Episcopal Church family on its many years of dedicated services to the citizens of the City of Newport News, and the Council acknowledges the many individuals who have supported the Church and its leaders in their commitment to mankind through the numerous ministries, programs, services, and opportunities for fellowship offered to the citizens of City of Newport News.

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

1. That it hereby recognizes and congratulates St. Paul’s Episcopal Church on its long history of service to the citizens of the City of Newport News and the greater Hampton Roads community.

2. That a copy of this resolution be spread upon the records of this body and that a copy be presented to St. Paul’s Episcopal Church.
3. That this resolution shall be in effect on and after the date of its adoption, May 28, 2019.
F. Consent Agenda

5. Resolution of Recognition: Silence Empowers Violence...Break the Code Awareness-to-Action Week – September 15-21, 2019

**ACTION:**
A REQUEST TO APPROVE A RESOLUTION RECOGNIZING AND COMMENDING THE CATALYST EFFECT (TCE) AND THE SILENCE EMPOWERS VIOLENCE COMMUNITY CARE AND ACTION TEAMS (ACTION TEAMS) ON HAVING THE THIRD FULL WEEK OF SEPTEMBER DESIGNATED AS SILENCE EMPOWERS VIOLENCE...BREAK THE CODE AWARENESS-TO-ACTION WEEK.

**BACKGROUND:**
- In December 2017, The Catalyst Effect (TCE) launched a collaborative, nationwide youth-led awareness to action movement called Silence Empowers Violence...Break the Code!, to address the problem of unreported and unsolved crimes and violence.

- TCE created and actively engages participants in youth-led Silence Empowers Violence Community Care and Action Teams (Action Teams). These teams are encouraged and empowered to break the code of silence when it comes to violence by being a voice for those who are too afraid to speak up or take action and by taking a public stand against violence and crime in their respective communities. They also create violence prevention, intervention, and post-intervention community engagement initiatives and opportunities.

- In 2017, the Action Teams hosted a two and a half mile Break the Code Walk! to bring community awareness to their cause. The walk concluded with a community resource fair for participants to learn about and partner with local violence prevention organizations.

- To help accomplish their mission, TCE and the Actions Teams have partnered with the U.S. Department of Justice, Newport News Public Schools, Newport News Department of Human Services-Youth Services Division, Newport News Youth Gang and Violence Prevention, Newport News Police Department, The Messiah Center, City Life, Life House,
Emmaus and Real World Church, and other faith-based organizations, businesses and community individuals.

- In 2019, House Joint Resolution No. 630, designating the third full week of September as Silence Empowers Violence Break the Code Awareness-to-Action Week in Virginia, was passed by the House of Delegates and the Senate of Virginia.

- TCE and the Action Teams will observe the Week by educating communities about the psychological trauma and monetary effects of unresolved and unreported crimes.

- The Council wishes to recognize and commend The Catalyst Effect and the Silence Empowers Violence Community Care and Action Teams on their efforts in making the City of Newport News a safer place to live, learn, work, and play.

- The Resolution of Recognition is to extend best wishes for continued success and draws to the attention of all citizens of the City of Newport News the Silence Empowers Violence Break the Code Awareness-to-Action Week during the third full week of September.

- The City Manager recommends approval.

**FISCAL IMPACT:**

- N/A

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
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<td>sdm16885 Recognition re The Catalyst Effect and the Silence Empowers Violence Community Care and Action Teams</td>
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</tbody>
</table>
RESOLUTION NO. ______________

RESOLUTION OF RECOGNITION

WHEREAS, the Council for the City of Newport News, Virginia, would like to recognize and commend The Catalyst Effect and the Silence Empowers Violence Community Care and Action Teams; and

WHEREAS, in December 2017, The Catalyst Effect launched a collaborative, nationwide youth-led awareness to action movement called Silence Empowers Violence...Break the Code!, to address the problem of unreported and unsolved crimes and violence; and

WHEREAS, The Catalyst Effect team created and actively engages participants in youth-led, Silence Empowers Violence Community Care and Action Teams. These teams are encouraged and empowered to break the code of silence when it comes to violence by being a voice for those who are too afraid to speak up or take action and by taking a public stand against violence and crime in their respective communities. They also create violence prevention, intervention, and post-intervention community engagement initiatives and opportunities; and

WHEREAS, in 2017, the Silence Empowers Violence Community Care and Action Teams hosted the first Silence Empowers Violence...Break the Code Youth Symposium in Newport News. This symposium was youth-led and participants including other youth, adults, law enforcement, educators, and clergy members took part in various forums and educational trainings; and

WHEREAS, in 2018, the Silence Empowers Violence Community Care and Action Teams hosted a two and a half mile Break the Code Walk! to bring community awareness to their cause. The walk concluded with a community resource fair for participants to learn about and partner with local violence prevention organizations; and

WHEREAS, to help accomplish their mission, The Catalyst Effect and the Silence Empowers Violence Community Care and Actions Teams have partnered with the U.S. Department of Justice, Newport News Public Schools, Newport News Department of Human Services-Youth Services Division, Newport News Youth Gang and Violence Prevention, Newport News Police Department, The Messiah Center, City Life, Life House, Emmaus and Real World Church, and other faith-based organizations, businesses and community individuals; and

WHEREAS, in 2019, House Joint Resolution No. 630 designating the third full week of September as Silence Empowers Violence Break the Code Awareness-to-Action Week in Virginia, was passed by the House of Delegates and the Senate of Virginia; and

WHEREAS, The Catalyst Effect and the Silence Empowers Violence Community Care and Actions Teams will observe Silence Empowers Violence Break the Code Awareness-to-Action Week by educating communities about the psychological trauma and monetary effects of unresolved and unreported crimes; and
WHEREAS, the Council for the City of Newport News wishes to recognize and commend The Catalyst Effect and the Silence Empowers Violence Community Care and Action Teams on their efforts in making the City of Newport News a safer place to live, learn, work, and play.

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

1. That it hereby recognizes and commends The Catalyst Effect and the Silence Empowers Violence Community Care and Action Teams in the City of Newport News, and extends its best wishes for continued success.

2. That it hereby recognizes and draws to the attention of all citizens of the City of Newport News the Silence Empowers Violence Break the Code Awareness-to-Action Week during the third full week of September.

3. That a copy of this resolution be spread upon the records of this body and that a copy be presented to The Catalyst Effect and the Silence Empowers Violence Community Care and Action Teams.

4. That this resolution shall be in effect on and after the date of its adoption, May 28, 2019.
G. Other City Council Actions

1. Receipt of Bids For a Utility Easement at 1451 48th Street in Copeland Park

   **ACTION:** A REQUEST TO CITY COUNCIL TO RECEIVE AND OPEN BIDS FOR GRANTING AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 1451 48TH STREET IN COPELAND PARK.

   *(After the receipt and opening of the bids, City Council is requested to refer the bids to the City Manager for review and the presentation of a recommendation at Council’s June 11, 2019 regular meeting.)*

   **BACKGROUND:**

   - This easement is needed to relocate overhead service lines, currently in the 48th Street right-of-way, to underground lines that would cross the property associated with our Copeland Park facilities.

   - The Waterworks Department has determined the value of the easement based on the most recent tax assessment of the parcel.

   - The parcel at 1451 48th Street is .11 acres, with an easement value of $4,683.00.

   - Proceeds from the sale will be deposited in the Waterworks Land Fund for use in future land purchases.

   - A Notice of Public Hearing has been advertised in the *Daily Press* for the required four consecutive weeks.

   - Another Notice of Public Hearing has been advertised for the June 11, 2019 Regular City Council meeting for consideration of the Ordinance, which will grant the easement to the successful bidder(s).

   - The City Manager recommends approval.

   **FISCAL IMPACT:** N/A

   **ATTACHMENTS:**

   Description
Memo to HCC re Utility Easement - 1451 48th St 5.22.19
Plat
sdm16852 Authorizing re Deed of Easement (1451 48th St)
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Receipt of Bids for Utility Easement at 1451 48th Street (Copeland Park)

This memorandum serves as background and justification for the bids for a utility easement that City Council will receive at its May 28 meeting. The new easement has been requested across City-owned property controlled by the Waterworks Department. The specific location is 1451 48th Street in Copeland Park.

The easement is needed to relocate overhead service lines, currently in the 48th Street right-of-way, to underground lines that would cross the property associated with our Copeland Park facilities. This relocation is related to the ongoing road improvements in Copeland Park near the intersection of 48th Street and Roanoke Avenue. The request is for a 15 ft. x 320 ft. (.11-acre total area) easement across the parcel at 1451 48th Street (Parcel #289000215) through which to relocate the underground lines. The property currently is used by the Waterworks Department for a pump station, tank site, and laydown yard. As the relocated lines will be underground, they will not be in conflict with our operations at this site.

A Notice of Public Hearing has been published in the Daily Press for the required four consecutive weeks. I recommend that City Council receive and open bids for this easement, with follow-up action referred to my office. Formal action, to authorize the referenced easement be granted to the successful bidder, will be placed on Council’s July 11, 2019 meeting agenda.

Cynthia D. Rohlfs

CDR/LBM/sjth

Attachment

cc: Louis B. Martinez, Director, Department of Waterworks

G:\Cindy Rohlfs\1 CM CORRESPONDENCE\Correspondence\2019\5May\Memo to HCC re Utility Easement - 1451 48th St 5.22.19.docx
ORDINANCE NO. _________

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND ______________________, DATED THE 11TH DAY OF JUNE, 2019, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 1451 48TH STREET, NEWPORT NEWS, VIRGINIA.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Deed of Easement by and between the City of Newport News, Virginia, and ______________________, dated the 11th day of June, 2019, for an easement across City-owned property located at 1451 48th Street, Newport News, Virginia.

2. That a copy of the said Deed of Easement is attached hereto and made a part hereof.
Easement Across Portion of
Parcel # 289.0002-15
1451 48th Street

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

Title Insurance: Unknown

Consideration: $________

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

THIS DEED OF EASEMENT, made this 11th day of June, 2019, between the CITY OF
NEWPORT NEWS, a municipal corporation of the Commonwealth of Virginia, hereinafter called
"GRANTOR" and ____________________________, hereinafter called "GRANTEE,"
whose mailing address is ____________________________.

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

WITNESSETH:

That for the sum of One Dollar ($1.00), cash in hand paid, and other valuable consideration,
the receipt whereof is hereby acknowledged, GRANTOR grants unto GRANTEE, its successors and
assigns, for a period of forty (40) years from the date of recordation of this deed of easement, the
non-exclusive right, privilege and easement, approximately fifteen (15) feet in width and three
hundred twenty (320) feet in length, as shown on the Plat referenced below and attached hereto, to
construct, operate and maintain one or more underground lines, and one or more lighting supports
and lighting fixtures, as GRANTEE may from time to time deem expedient or advisable, located on
the easement hereinafter described, for the purpose of transmitting and distributing electric power by one or more circuits to GRANTOR, for provision of electric power to its facilities and for lighting and such other purposes as requested by GRANTOR; together with all wires, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, ground connections, meters, attachments, equipment, accessories and appurtenances desirable in connection therewith (hereinafter referred to as "facilities").

The said rights, privilege and easement extends over, under, through and across certain lands of GRANTOR, situated in the City of Newport News, Virginia, as shown on Plat No. 22-19-0051 attached hereto and made a part of this Deed of Easement; the location of said easement being shown in broken lines on said Plat, to which plat reference is made for a more particular and accurate description of the easement.

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

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

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

GRANTEE shall repair damage to roads, fences or other improvements and shall pay GRANTOR for other damage done in the process of the construction, inspection, or maintenance of GRANTEE's facilities, or in the exercise of its right of ingress and egress; GRANTEE shall be liable for all damages resulting from its exercise of the right of ingress and egress across such adjacent lands, provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after any property damage occurs.

GRANTOR, its successors and assigns, may use the easement for any purpose not
inconsistent with the rights hereby granted, provided such use does not interfere with or endanger
the construction, operation and maintenance of GRANTEE's facilities and provided that no
buildings, structures or other obstructions (except fences) may be constructed on the easement.

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

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

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

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

[SIGNATURE PAGE FOLLOWS]
CITY OF NEWPORT NEWS

By: ____________________________
    City Manager

ATTEST:                                                                 APPROVED AS TO FORM:

By: ____________________________    By: ____________________________
    City Clerk                    City Attorney

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

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

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

______________________________
Notary Public
Registration No.: ________________

sdm16880
G. Other City Council Actions

2. Resolution Approving and Authorizing Submission of the Consolidated Plan For Housing and Community Development, Including the Proposed Use of Community Development Block Grant and Home Funds and Certifications For Fiscal Year 2019-2020, to the United States Department of Housing and Urban Development (HUD)

A REQUEST TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN FOR THE CITY, INCLUDING THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS FOR FY 2019-2020 AND CERTIFICATIONS, TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

BACKGROUND:

- The Consolidated Plan for Housing and Community Development Annual Action Plan, which identifies the City's needs for housing and community development, the resources available to meet the needs, and the priorities for directing those resources, requires the approval of City Council.

- This document is required by the U.S. Department of Housing and Urban Development (HUD) and must be submitted to and approved by HUD for the City to receive its allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds each year.

- The Annual Action Plan includes the proposed use of funds for the upcoming FY 2019-2020 and includes HUD entitlement funding and program income for both CDBG and HOME in an aggregate estimated amount of $2,388,524.

- The City Manager recommends approval.

FISCAL IMPACT: N/A

ATTACHMENTS:

Description
Memo to HCC re FY19-20 HCD Annual Action Plan 5.22.19
Attachment 1 - Executive Summary
Attachment 2 - CDBG Activities
Attachment 3 - HOME Activities
Approving the Consolidated Plan for Housing and Community Development
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: FY 2019-2020 Housing and Community Development Annual Action Plan

The FY 2019-2020 update to the Consolidated Plan for Housing and Community Development requires the approval of City Council. This document is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to identify the City’s needs for housing and community development, the resources available to meet the needs, and the priorities for directing the resources. HUD’s approval of this document enables the City to receive its annual entitlement grants of Community Development Block Grant (CDBG) and the HOME Investment Partnership (HOME).

HUD requires that a five-year strategy document be developed and submitted on a regular basis. The latest five-year plan, approved by City Council on April 28, 2015, covered fiscal years 2016-2020. Only an update, referred to as the Annual Action Plan (Action Plan), is required to be submitted to HUD for each year between the five-year cycles. The current Action Plan includes the proposed use of funds for the upcoming FY 2019-2020 for CDBG and HOME.

The recommendations were derived from the CDBG Application Committee. Eighteen proposals were received this year, totaling over $1,600,000 in requests. Of those received, three were not recommended for funding and most of the requests to be funded were at a lower funding level than what was requested. The total projected CDBG budget for FY 2019-2020 is $1,484,514, which includes an entitlement grant amount of $1,259,514 and $225,000 in general program income.
The HOME Program description includes an initiative for rehabilitation of lower-income, owner-occupied homes, an initiative for acquisition and rehabilitation of multi-family rental housing units, and an initiative for down payment assistance for first-time homebuyers. Also included is the required set-aside for use by nonprofit affordable housing providers called Community Housing Development Organizations (CHDOs) and administrative funds. Funds designated for CHDOs are normally available to qualifying nonprofit groups on a first-come, first-served basis. The HOME budget is comprised of the entitlement grant amount of $714,010, coupled with estimated program income of $190,000, which gives a total of $904,010 available for recommended activities. The required local match is normally realized through in-kind sources and an annual cash contribution from the City’s budget.

The total amount of funding, including grant allocations and proposed program income, formulating the FY 2019-2020 HUD Community Development Program budget is $2,388,524 for both programs. To recap, this includes $1,484,514 in CDBG-related funds and $904,010 in HOME-related funds.

Two public meetings regarding the Action Plan were held at the Downing Gross Cultural Arts Center. The first meeting was December 6, 2018 and the second was May 2, 2019. The third and final public meeting and opportunity for citizens to be aware of the Action Plan is your May 28, 2019 City Council meeting. The required 30-day public comment period started on April 22, 2019 and ended on May 21, 2019. No public comments were received at either meeting.

For your convenience, attached are an Executive Summary of the Action Plan, prepared by Newport News Redevelopment and Housing Authority (NNRHA) staff and charts reflecting the CDBG projects and HOME initiatives recommended for the upcoming FY 2019-2020. The full Action Plan is posted on the NNRHA’s website at www.nnrha.com in the Redevelopment/Community Development Citizen Participation Process section, along with a link to the document at https://www.nnva.gov/664/Publications.
The Honorable City Council
Page 3
FY 2019-2020 Housing & Community Development Annual Action Plan
May 22, 2019

In summary, the attached Action Plan meets required HUD objectives and includes the proposed use of funds for FY 2019-2020. I recommend that Council adopt the Resolution approving the Action Plan and authorizing me to execute any necessary documents for the City’s receipt of and compliance with HUD-approved CDBG and HOME entitlement funds for FY 2019-2020.

[Signature]
Cynthia D. Rohlf

CDR:tfw

Attachments (3)

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

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Newport News received block grant funds from the U.S. Department of Housing and Urban Development (HUD) to help address housing and community development needs. These grant funds include the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME).

HUD requires that the City complete a five-year strategic plan called Consolidated Plan for Housing and Community Development (Consolidated Plan). The City’s Consolidated Plan Covers federal Fiscal years 2015 – 2019 and describes priorities and multiyear strategic goals based on an assessment of housing and community development needs, an analysis of housing and economic market conditions and available resources. This document, the 2019 Annual Action Plan, is the fifth and final action plan in the Consolidated Plan cycle.

The Annual Action Plan for the period July 1, 2019 to June 30, 2020 described herein reflects proposed activities in the fifth program year of the 2015-2019 Consolidated Plan. The following information details projects proposed to be undertaken in the City of Newport News with Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) entitlement funds awarded from HUD.

The City of Newport News’ allocations for CDBG and HOME are listed below. These entitlement amounts are supplemented by projected program income.

Please note: In the event that Community Development Block Grant (CDBG) and/or HOME funded programs receive an increase in unanticipated program income during the year, the following program activities will utilize the additional funds.

CDBG – Acquisition, Demolition and Public Services, Public Facilities & Improvements, and Administration

HOME – HOMEvestor Program, Administration and Community Housing Development Organization (CHDO)
City of Newport News Allocations for CDBG and HOME

CDBG

Entitlement Allocation $1,259,514
Projected Program Income FY19 $225,000
Total Program Budget for FY19 $1,484,514

HOME

Entitlement Allocation $714,010
Projected Program Income $190,000
Total Program Budget for FY19 $904,010

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Annual Action Plan for the period July 1, 2019 to June 30, 2020 continues the goals of the Five-Year Consolidated Plan which focused on providing safe, decent and affordable housing and creating economic opportunities for citizens of Newport News. The goals and objectives of the Annual Action Plan, as formulated by the Five-Year Consolidated Plan, are summarized below:

Goal 1: Housing Preservation and Neighborhood Revitalization – Housing preservation and neighborhood revitalization priorities consist of the elimination of slums and blight, codes enforcement, the acquisition and rehabilitation of properties, owner-occupied housing rehabilitation and development activities

Goal 2: Expand Economic Development - Economic development activities consisting of loans and grants to establish and strengthen businesses in the City thereby generating jobs

Goal 3: Homeless Intervention and Special Populations Housing - CDBG funds will continue to support certain homeless intervention programs over the next five years identified as high priorities in the Consolidated Plan

Goal 4: Increase Affordable Housing Units - Promote homeownership opportunities and the retention of owner-occupied housing units; Development of Affordable Rental Units
Goal 5: To Reduce Homelessness - Increase community services programming

Goal 6: Enhance Youth Development - Increase youth enrichment programming

Anticipated outcomes over the next year in support of the Five-Year Consolidated Plan are as follows:

- Continue to fund activities for the elimination of slums and blight through codes enforcement and acquisition of unsafe structures
- Acquisition and rehabilitation of owner-occupied housing and rental development
- Expand economic development activities to establish and strengthen businesses in the City thereby generating jobs
- Continue to support certain homeless intervention programs
- Increase affordable rental and homeownership housing opportunities
- Continue to fund community service programs such as meals assistance, crisis intervention, alternative education and recreation for youth and transitional shelter for victims of physical abuse

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Newport News’s evaluation of past performance has been in the fiscal year 2017 - 2018 Consolidated Annual Performance and Evaluation Report (CAPER). The document states the objectives and expected outcomes identified in the Consolidated Plan and include an evaluation of past performance. This document can be found on the Newport News Redevelopment and Housing Authority website at https://www.nnrha.com/citizen-participation-process.html

In summary:

- 91.41 % of the locality’s expenditures for 2017-2018 for the CDBG Program were used for low and moderate income beneficiaries.
- Program activities were undertaken in a timely manner as reported by HUD in its timeliness report dated May 2, 2018.
- 15 % of the locality’s CDBG allocation was used for public service activities.
- 60.90% of the City’s HOME funds were disbursed for either the development or the preservation of affordable rental units.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.
The City follows the Citizen Participation Plan outlined in the Consolidated Plan. Many approaches used help to foster open, transparent citizen participation when developing strategic program outcomes and associated Action Plans.

In November 2018, the City of Newport News advertised a notice in the Daily Press, public libraries, and public housing communities for a public meeting to allow citizens the opportunity to review program performance. They were also given the opportunity to identify housing needs and to offer their views regarding the use of CDBG and HOME funds for the upcoming year. The notices were also posted on the City and the Newport News Redevelopment and Housing Authority’s (NNRHA) websites, throughout various City libraries and other departments and in all of the Authority’s public housing communities.

The City and NNRHA held a citizen participation meeting Tuesday, December 6, 2018 at Downing-Gross Cultural Arts Center to discuss the Consolidated Housing and Community Development funds for fiscal year 2019-2020.

The notice also advertised that the City would be accepting funding requests for the upcoming program year. City staff provided technical assistance to prospective applicants wishing to apply for funding during the meeting as well as contact information should the applicant(s) need further assistance. Application proposals were due on Monday, January 14, 2019.

The City received eighteen (18) applications requesting funding from the 2019-2020 CDBG allocation. On February 6, 2019, the CDBG Application Review Committee held an open meeting in City Council chambers to allow each applicant the opportunity to give a presentation on the proposal(s). Committee funding recommendations are included in this draft Annual Action Plan. The citizen review and comment period for the draft plan is from Monday, April 22, 2019 through Tuesday, May 21, 2019.

On Sunday, April 21, 2019, the City and the Authority advertised to hold a public meeting to discuss the draft plan on May 2, 2019 at Downing-Gross Cultural Arts Center at 6:00 p.m.

City Council also held a public meeting on Tuesday, May 28, 2019 to consider the final version of the plan. All citizen comments will be considered for inclusion in the Plan.

5. **Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The City did not receive any citizen comment in respect to the priorities identified in the Action Plan.

6. **Summary of comments or views not accepted and the reasons for not accepting them**

No comments were received.

7. **Summary**

All public comments and concerns will be considered, if any are received.
<table>
<thead>
<tr>
<th>Program</th>
<th>Percipient</th>
<th>Eligibility</th>
<th>Activity Summary</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDBG</td>
<td>City of Newport News - Codes Compliance</td>
<td>Clearance Activity</td>
<td>Demolition of unsafe structures in the southeast area.</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>City of Newport News Development Department</td>
<td>Administration</td>
<td>Administrative Budget for monitoring and oversight responsibilities by the City's Department of Development</td>
<td>$ 23,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>City of Newport News Development Department</td>
<td>Special Economic Development Activities</td>
<td>Continuation of the Newport News Urban Development Action Grant (NNUDAGP Program which provides loans to for-profit entities in order to facilitate the creation of jobs for low and moderate income persons.</td>
<td>$ 175,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>Newport News Redevelopment and Housing Authority</td>
<td>Administration and Program Planning</td>
<td>Oversight, management, monitoring and coordination of the CDBG program</td>
<td>$ 265,486</td>
</tr>
<tr>
<td>CDBG</td>
<td>Hampton Roads Community Action Program Inc. – Fair Housing</td>
<td>Program Administrative Costs - Fair Housing</td>
<td>Fair Housing Counseling and Educations, complaint hot-line and resolution</td>
<td>$ 8,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>Hampton Roads Community Action Program Inc. – Clean Comfort</td>
<td>Public Service Operating Funds</td>
<td>Clean Comfort Program provides supportive for the homeless population (showering facilities, clean clothing and referral services)</td>
<td>$16,500</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>CDBG</td>
<td>Hampton Roads Community Action Program Inc. – Housing Counseling</td>
<td>Public Service Operating Funds</td>
<td>Offers clients a full range of counseling services in the areas of pre-occupancy, pre-purchase, pre-rental, mortgage default, rental delinquency and home equity conversion.</td>
<td>$21,515</td>
</tr>
<tr>
<td>CDBG</td>
<td>Boys &amp; Girls Clubs of the Virginia Peninsula</td>
<td>Public Service Operating Funds</td>
<td>Funds provided to assist this non-profit organization with operating expenses</td>
<td>$80,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>Freedom Outreach Center</td>
<td>Public Service Operating Funds</td>
<td>Crisis Intervention, Counseling, Hunger, Training, Referrals, Support for a neighborhood outreach center's ongoing activities and service delivery to former inmates or &quot;at risk&quot; young adults to include youth, adults and families</td>
<td>$12,100</td>
</tr>
<tr>
<td>CDBG</td>
<td>In-Agape Family Life and Educational Center, Inc.</td>
<td>Public Service Operating Funds</td>
<td>&quot;Stay Up While You Are Out&quot; educational program (for youth on school suspension for 1 day or more). South East and North East sections of the City</td>
<td>$21,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>LINK of Hampton Roads, Inc.</td>
<td>Public Service Operating Funds</td>
<td>Emergency Winter Shelter Program for the Homeless / PORT- People Offering Resources Together</td>
<td>$20,000</td>
</tr>
<tr>
<td>CDBG</td>
<td>Organization</td>
<td>Public Service Funds</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>CDBG</td>
<td>Menchville House Ministries, Inc.</td>
<td>Funds to assist this non-profit organization with operating funds for a facility to be utilized as a shelter providing housing to approximately 100 adults and children in crisis situations.</td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>CDBG</td>
<td>Peninsula Agency on Aging</td>
<td>Funds provided to assist this non-profit organization with operating funds to provide Meals on Wheels Program to approximate 15 at-risk seniors living in 5 Newport News income-based housing facilities.</td>
<td>$15,000</td>
<td></td>
</tr>
<tr>
<td>CDBG</td>
<td>Transitions Family Violence Services</td>
<td>Emergency and short-term shelter and services for victims of family violence</td>
<td>$30,000</td>
<td></td>
</tr>
<tr>
<td>CDBG</td>
<td>Newport News Redevelopment and Housing Authority - Lassiter Courts Community Center</td>
<td>Assist in the development of community center in Southeast Community Choice Neighborhood Initiative planning area.</td>
<td>$536,913</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total Amount</strong></td>
<td>$1,484,514</td>
<td></td>
</tr>
</tbody>
</table>
FISCAL YEAR 2019-2020 HOME Investment Partnerships Program Activities

The City of Newport News Primary Initiatives and the breakdown of these funds are listed below

<table>
<thead>
<tr>
<th>HOME PROGRAM DESCRIPTIONS</th>
<th>HOME Entitlement 2019-2020 Entitlement</th>
<th>PROGRAM INCOME (Anticipated)</th>
<th>Total Funds</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOME DPA- Provide down payment and closing cost assistance to first-time homebuyers citywide</td>
<td>$32,000</td>
<td>$32,000</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>HOMEcare- Low-interest loan program for owner occupied rehabilitation</td>
<td>$25,000</td>
<td>$25,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>HOMEvestor II- Acquisition, Development rehabilitation and preservation of multi-family rental housing</td>
<td>$478,507</td>
<td>$171,000</td>
<td>$649,507</td>
<td>40</td>
</tr>
<tr>
<td>Community Housing Development Organizations (CHDOs) - Assists qualified CHDOs with the acquisition, development or sponsorship of affordable housing</td>
<td>$107,102</td>
<td>$107,102</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>HOME Administration - Provides for HOME program’s planning, marketing and monitoring costs</td>
<td>$71,401</td>
<td>$19,000</td>
<td>$90,401</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Total Funds Available  $714,010  $190,000  $904,010

Total Number of Units 47
RESOLUTION NO. ___________________

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN FOR THE CITY OF NEWPORT NEWS INCLUDING THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS AND CERTIFICATIONS FOR FISCAL YEAR 2019-2020 AND AUTHORIZING SUBMISSION OF THIS PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the United States Department of Housing and Urban Development (HUD) requires the City of Newport News to prepare and submit an Annual Action Plan Update (“Action Plan”) to the Five-Year Consolidated Housing and Community Development Plan for the City of Newport News; and

WHEREAS, the Five-Year Plan approved by City Council on April 28, 2015 identifies the City’s overall needs for community development and affordable and supportive housing and outlines the strategies to address those needs over a five-year time frame; and

WHEREAS, the Action Plan includes the Projected Use of Community Development Block Grant and HOME Grant Funds for FY 2019-2020, Certifications and other HUD requirements; and

WHEREAS, the City has been informed by the Department of Housing and Urban Development of an allocation to the City of Newport News of Community Development Block Grant funds in the amount of $1,259,514 and HOME funds in the amount of $714,010 for the fiscal year ending June 30, 2020, to carry out eligible Community Development Block Grant and HOME activities; and

WHEREAS, it is anticipated that additional funds in the amount of $225,000 will be available as general program income as part of the Community Development Block Grant program; and

WHEREAS, funds in the amount of $190,000 are anticipated to be available as program income to be utilized as part of the HOME Program; and

WHEREAS, the City has budgeted $100,000 in local funds to be combined with other funds to meet the HOME match obligation for FY 2019-2020; and
WHEREAS, the Council of the City of Newport News has received an Executive Summary of the Action Plan, had the opportunity to review the complete document, and has confirmed that said Plan has been available for public review and that required public meetings were held to assure citizens an opportunity to comment on the Plan.

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

1. The City Manager is authorized to file with the United States Department of Housing and Urban Development the Action Plan that includes the Projected Use of Community Development Block Grant and HOME Funds and Certifications for FY 2019-2020 as required by the Guidelines for Preparing a Consolidated Strategy and Plan Submission for Housing and Community Development Programs.

2. The City Manager is hereby designated as the authorized representative of the City of Newport News and is directed to act as such representative in connection with the Action Plan to provide such additional information as may be required, and to execute any and all documents in conjunction therewith, subject to review and approval by the City Attorney.

3. The City Manager is authorized to execute sub-recipient and administrative contracts with the Newport News Redevelopment and Housing Authority to administer the Community Development Block Grant and HOME Programs as approved for FY 2019-2020, subject to funding approval by the United States Department of Housing and Urban Development and contract review and approval by the City Attorney.

4. The City Manager is authorized to execute a contract(s) with the Newport News Redevelopment and Housing Authority and/or any of its subsidiaries as an owner/developer of single family homes under the first-time homebuyer program or for multi-family developments if such developments are deemed appropriate for such ownership and agreed upon by the City Manager, Director of Development and Executive Director of the Newport News Redevelopment and Housing Authority, after contract review and approval by the City Attorney.

5. The City Manager is authorized to execute extensions or amendments of the existing contracts with the Newport News Redevelopment and Housing Authority to continue to administer and undertake the FY 2018-2019 activities should FY 2018-2019 or previous years activities remain open after July 1, 2019, subject to review and approval by the City Attorney.

6. The City Manager is authorized to execute an extension agreement with the Newport News Redevelopment and Housing Authority for the administration of the Newport News Urban Development Action Grant Loan Program for FY 2019-2020, subject to review and approval by the City Attorney.
7. This resolution shall be in effect on and after the date of its adoption, May 28, 2019.
G. Other City Council Actions

3. Resolution Supporting an Application to the Virginia Department of Transportation (VDOT) For an Allocation of $10,000,000 Per Fiscal Year For Three Consecutive Fiscal Years and Authorizing the City Manager to Execute a Programmatic Project Administration Agreement For Revenue Sharing Projects

**ACTION:**
A REQUEST TO APPROVE A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF $10,000,000 PER FISCAL YEAR FOR THREE CONSECUTIVE FISCAL YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT FOR REVENUE SHARING PROJECTS.

**BACKGROUND:**
- The current Programmatic Project Administration Agreement (PPAA) for Revenue Sharing projects will expire on June 30, 2019.

- The new PPAA agreement will be valid for three fiscal years, with an option to extend the agreement for three additional fiscal years.

- VDOT requires the City to execute a PPAA and participate in a 50/50 cost share for Revenue Sharing projects.

**FISCAL IMPACT:**
- The maximum funding the City can receive from the Revenue Sharing program is $5,000,000 per year with a City match of $5,000,000.

- The City Manager recommends approval.

**ATTACHMENTS:**
Description
Memo to HCC re VDOT PPAA Revenue Sharing 5.22.19
Attachment-Location Map-Revenue Sharing PPAA
sdm16868 Supporting an Application to VDOT - Revenue Sharing Projects
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Virginia Department of Transportation (VDOT) – Programmatic Project Administration Agreement for Revenue Sharing Projects

City Council is requested to approve a resolution confirming the City’s commitment to continue to fund projects within the Revenue Sharing Program. The Revenue Sharing Program funds various roadway projects and requires at least a 50/50 City/State match. The maximum combined funding for this program is $10,000,000 per year.

The current Programmatic Project Administration Agreement (PPAA) between the City and Virginia Department of Transportation (VDOT) will expire on June 30, 2019. The new agreement will be valid for three fiscal years with an option to extend the agreement for an additional three fiscal years. Projects noted in the agreement are existing projects that Council previously considered and approved. The attached map identifies the project locations. No action is necessary at this time.

I recommend approval.

Cynthia D. Rohlf

CDR:BJP:wjr

Attachment

cc: Everett P. Skipper, Director, Department of Engineering
<table>
<thead>
<tr>
<th>UPC #</th>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Huntington Avenue Bridge Replacement</td>
</tr>
<tr>
<td>2</td>
<td>Jefferson Avenue Phase II Utilities Relocation and Streetscape</td>
</tr>
<tr>
<td>3</td>
<td>Warwick and Bland Intersection Improvements</td>
</tr>
<tr>
<td>4</td>
<td>Prince Drew Road</td>
</tr>
<tr>
<td>5</td>
<td>Traffic Signal and Pedestrian Improvements at Jefferson Avenue and Center Avenue</td>
</tr>
<tr>
<td>6</td>
<td>Campbell Road Improvements</td>
</tr>
<tr>
<td>7</td>
<td>Patrick Henry Drive Extended</td>
</tr>
<tr>
<td>8</td>
<td>Traffic Signal and Pedestrian Improvements at Warwick Boulevard and Center Avenue</td>
</tr>
<tr>
<td>9</td>
<td>Hogan Drive Extension – Phase II</td>
</tr>
<tr>
<td>10</td>
<td>Habersham Area Improvements</td>
</tr>
<tr>
<td>11</td>
<td>Independence Boulevard</td>
</tr>
</tbody>
</table>
RESOLUTION NO. ______________________

A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF $10,000,000.00 PER FISCAL YEAR FOR THREE SUCCEEDING FISCAL YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT THROUGH THE VDOT REVENUE SHARING PROGRAM.

WHEREAS, VDOT has requested a resolution of the Newport News City Council confirming the City’s commitment to pending projects within the Revenue Sharing Program (“the Program”); and

WHEREAS, the Program funds various roadway projects and requires at least a 50/50 City/State match; and the maximum funding the City can receive from this Program is $10,000,000.00 per year; and

WHEREAS, the current Programmatic Project Administration Agreement (PPAA) between the City and VDOT will expire on June 30, 2019; and

WHEREAS, VDOT is requesting that the a new Programmatic Project Administration Agreement (“New PPAA”) be executed which will be valid for three fiscal years with an option to extend the New PPAA for three additional fiscal years; and

WHEREAS, VDOT requires that the City, by resolution, must provide assurance of its commitment to funding of and meeting its financial obligations for the projects which are incorporated in the New PPAA attached hereto, together with Appendix A and the projects listed in Appendix B; and

WHEREAS, VDOT requires that the resolution give the City Manager signature authority to execute the New PPEA, its appendices, and any other documents necessary to accomplish the purposes of this resolution.

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

1. That it hereby resolves to fund its local share of preliminary engineering, right-of-way, and construction (as applicable) of the projects detailed under the appendices of the New PPAA.

2. That the City Manager is authorized to execute and the City Clerk to attest on behalf of the City, the New PPAA, its appendices, and all agreements or documents necessary to effectuate the design, construction and administration of the Projects; provided that all such agreements and documents shall first have been reviewed and approved by the City Attorney.
3. That this resolution shall be in effect on and after the date of its adoption, May 28, 2019.
PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT
Revenue Sharing Projects

THIS AGREEMENT, made and executed in triplicate this ___ day of _____________, 20___, by and between the City of Newport News, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY may, in accordance with §33.2-357 of the Code of Virginia (1950), as amended (the Code), and Commonwealth Transportation Board (CTB) policy, submit application(s) for Revenue Sharing funding and may also administer projects approved for Revenue Sharing funding by the CTB; and

WHEREAS, Appendix A documents the funding allocated to each Project and shall be developed and included as an attachment to this agreement. Such attachment may be amended, revised or removed or an additional Appendix A may be added as additional projects or funding is approved by the CTB and allocated to the LOCALITY to finance the Project(s) within the term of this Agreement without the need to execute an additional project administration agreement; and

WHEREAS, current and future projects approved for Revenue Sharing funding by the CTB within the term of this agreement and subject to the terms and conditions specified herein shall be identified on a list which will be included as an attachment to this Agreement as Appendix B. Such attachment may be amended as additional projects are approved by the CTB and shall be signed by an authorized LOCALITY and VDOT official, without the need to execute an additional project administration agreement. If any active project with an existing agreement is incorporated herein, the original project agreement shall automatically terminate upon inclusion in this programmatic agreement of an updated Appendix A and an amended Appendix B to reflect that project; and

WHEREAS, both parties have concurred in the LOCALITY’s administration of the phase(s) of work for the respective Project(s) listed in the attachments in accordance with applicable federal, state and local laws and regulations and that the locality will certify compliance with those laws and regulations as prescribed by the Department.

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

1. This agreement shall be effective for an initial period of THREE fiscal years (each year beginning July 1st - June 30th) and may be extended by an addendum signed by each party for one additional term of THREE fiscal years unless a change in policy or the Code necessitates a change in terms and conditions before the term of this agreement shall have passed. This Agreement shall NOT extend beyond SIX fiscal years. In the event that a new agreement becomes necessary during the life of this Agreement, Appendix A and Appendix B may be incorporated within the new approved agreement upon mutual agreement by both parties.
2. The LOCALITY shall:

a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown on the Appendix B and on the respective Project's Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.

b. Receive individual prior written authorization from the DEPARTMENT to proceed with each project.

c. Administer the Project(s) in accordance with guidelines applicable to state funded Locally Administered Projects as published by the DEPARTMENT.

d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the State Certification Form for State aid projects or in another manner as prescribed by the DEPARTMENT for each project included in Appendix B.

e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.

f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date Project summary and schedule tracking payment requests and adjustments.

g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code, or other applicable provisions of state law or regulations require such reimbursement.

h. Pay the DEPARTMENT the LOCALITY's matching funds for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 3.a.

i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill these obligations may result in the forfeiture of state-aid reimbursements. DEPARTMENT and LOCALITY staffs will work together to cooperatively resolve any issues that are identified so as to avoid any forfeiture of state-aid funds.
j. If legal services other than those provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.

k. For projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

3. The DEPARTMENT shall:

a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.

b. Upon receipt of the LOCALITY’s invoices pursuant to paragraph 2.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.

c. If appropriate, submit invoices to the LOCALITY for the LOCALITY’s share of eligible Project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

d. Audit the LOCALITY’s Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.

e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

4. Appendix A identifies the specific funding sources for each Project under this Agreement, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

5. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT’s agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code.

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

7. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

8. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.

9. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this or this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

10. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 2.f, 2.g, and 3.b, subject to the limitations established in this Agreement and Appendix A. Should the LOCALITY unilaterally cancel a project agreement, the LOCALITY shall reimburse the DEPARTMENT all state funds reimbursed and expended in support of the project, unless otherwise mutually agreed upon prior to termination.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to any project, this agreement is no longer applicable to that project and the applicable Appendix A shall be removed from this agreement and the Standard Project Administration Agreement for Federal-aid Projects executed for that project.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.
THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

CITY OF NEWPORT NEWS, VIRGINIA:

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

__________________________________
City Attorney

ATTEST:

__________________________________
City Clerk
Date

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

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

__________________________________
Chief of Policy
Commonwealth of Virginia
Department of Transportation
Date

__________________________________
Signature of Witness
Date

Attachments
Appendix A (for each project covered under this Agreement)
Appendix B (listing each project covered under this Agreement)
### Project Narrative

**Scope:** Replacement of Huntington Avenue Bridge

**From:** 41st Street

**To:** 39th Street

**Locality Project Manager Contact Info:** Carolyn Bowman 757-926-3667 cbowman@mvaa.gov

**Department Project Coordinator Contact Info:** Jessica Vilalares 757-956-3094 jessica.vilalares@vdot.virginia.gov

### Project Estimates

<table>
<thead>
<tr>
<th>Project Category</th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Locality Project Expenses</td>
<td>$581,613</td>
<td>$2,287,430</td>
<td>$2,878,755</td>
<td>$5,769,800</td>
</tr>
<tr>
<td>Estimated VDOT Project Expenses</td>
<td>$12,917</td>
<td>$0</td>
<td>$18,401</td>
<td>$31,318</td>
</tr>
<tr>
<td>Estimated Total Project Costs</td>
<td>$594,530</td>
<td>$2,287,430</td>
<td>$2,878,755</td>
<td>$5,747,798</td>
</tr>
</tbody>
</table>

### Project Cost and Reimbursement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds Type</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$581,613</td>
<td>Revenue Sharing</td>
<td>50%</td>
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<td>Right of Way &amp; Utilities</td>
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<tr>
<td>Construction</td>
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<td>50%</td>
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<td>$2,878,407</td>
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**Total Maximum Reimbursement by VDOT to Locality (Less Local Share):** $2,878,399

**Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses):** $2,642,581

### Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing State Match</th>
<th>Revenue Sharing Local Match</th>
<th>Aggregate Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,978,185</td>
<td>$2,978,185</td>
<td>$5,956,370</td>
</tr>
</tbody>
</table>

### Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 04/09/2012.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $2,873,899.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY16 - $105,524 ($53,612 locality match and $52,912 VDOT match)
  - FY17 - $1,200,000 ($600,000 locality match and $600,000 VDOT match)
  - FY18 - $2,148,746 ($1,074,373 locality match and $1,074,373 VDOT match)
  - FY20 - $2,500,000 ($1,250,000 locality match and $1,250,000 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is a part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Project Number: 9999-121-225  
UPC: 102969  
CFDA # N/A  
Locality: City of Newport News  
Date: 4/8/2019

Project Location ZIP+4: 23607-4301  
Locality DUNS #: 809755085  
Locality Address (incl ZIP+4): 2400 Washington Ave., Newport News Va., 23607

Scopo:  
Jefferson Avenue - Streetscaping, storm, sanitary, underground utilities, and pavement reconstruction

From:  
24th Street

To:  
12th Street

Locality Project Manager Contact info: Thomas Cheney (757) 926-8715  
Tcheney@nvw.gov

Department Project Coordinator Contact info: Chessa Villaflor 757-955-3094  
chessa.villaflor@vdot.virginia.gov

Project Estimates

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Locality Project Expenses</td>
<td>$673,372</td>
<td>$2,660,693</td>
<td>$9,930,586</td>
<td>$13,464,651</td>
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<tr>
<td>Estimated VDOT Project Expenses</td>
<td>$21,067</td>
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<td>$10,000</td>
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<tr>
<td>Estimated Total Project Costs</td>
<td>$694,439</td>
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<td>$9,940,586</td>
<td>$13,500,718</td>
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Project Cost and Reimbursement

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<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds type (Choose from drop down box)</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$694,439</td>
<td>Revenue Sharing</td>
<td>50%</td>
<td>$447,220</td>
<td>$447,220</td>
<td>$0</td>
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<tr>
<td>Total PE</td>
<td>$694,439</td>
<td>Revenue Sharing</td>
<td>50%</td>
<td>$447,220</td>
<td>$447,220</td>
<td>$0</td>
</tr>
<tr>
<td>Right of Way &amp; Utilities</td>
<td>$2,665,693</td>
<td>Revenue Sharing</td>
<td>50%</td>
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<td>Total RW</td>
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<td>Revenue Sharing</td>
<td>50%</td>
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<td>$1,332,847</td>
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<td>Revenue Sharing</td>
<td>50%</td>
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<tr>
<td></td>
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<td>$5,484,525</td>
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<td>Total Estimated Cost</td>
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Total Maximum Reimbursement by VDOT to Locality (Less Local Share)  
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)  
$6,236,000  
$6,199,933

Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing State Match</th>
<th>Revenue Sharing Local Match</th>
<th>Local Funds</th>
<th>Aggregate Allocations</th>
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</thead>
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<tr>
<td>$6,236,000</td>
<td>$6,236,000</td>
<td>$1,028,718</td>
<td>$13,500,718</td>
</tr>
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</table>

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT's Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 05/10/13.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $6,236,000.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY hereby agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY13: $972,028 ($466,014 locality match and $466,014 VDOT match)
  - FY15: $2,000,000 ($1,000,000 locality match and $1,000,000 VDOT match)
  - FY17: $5,499,972 ($2,749,986 locality match and $2,749,986 VDOT match)
  - FY18: $4,000,000 ($2,000,000 locality match and $2,000,000 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: July 3, 2018

Typed or printed name of person signing
### Appendix A

**Project Number:** 0060-121-R27  
**UPC:** 103002  
**CFDA # N/A**  
**Locality:** City of Newport News

#### Project Narrative

**Scope:** Intersection improvements - Elevate the roadway to minimize flooding especially during emergencies

**From:** Warwick Blvd.  
**To:** Bland Blvd.

**Locality Project Manager Contact Info:** Bernard Moran 757-926-8096  
**Department Project Coordinator Contact Info:** Chelsa Villaflores 757-956-3094

**Locality DUNS #:** 809755085  
**Locality Address (incl ZIP+4):** 2400 Washington Ave., Newport News Va., 23607

#### Project Estimates

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Locality Project Expenses</td>
<td>$267,550</td>
<td>$143,980</td>
<td>$3,619,001</td>
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<tr>
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<tr>
<td>Estimated Total Project Costs</td>
<td>$277,550</td>
<td>$143,980</td>
<td>$3,628,137</td>
<td>$4,049,667</td>
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</table>

#### Project Cost and Reimbursement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds Type</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$277,550</td>
<td>Revenue Sharing</td>
<td>50%</td>
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<td>$138,775</td>
<td>$128,775</td>
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<tr>
<td>Total PE</td>
<td>$277,550</td>
<td>Revenue Sharing</td>
<td>50%</td>
<td>$138,775</td>
<td>$138,775</td>
<td>$128,775</td>
</tr>
<tr>
<td>Right of Way &amp; Utilities</td>
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<td>$71,990</td>
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<td>50%</td>
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</tr>
<tr>
<td>Construction</td>
<td>$3,628,137</td>
<td>Revenue Sharing</td>
<td>50%</td>
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<td>$1,814,069</td>
<td>$1,804,930</td>
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<tr>
<td>Total CN</td>
<td>$3,628,137</td>
<td>Revenue Sharing</td>
<td>50%</td>
<td>$1,814,069</td>
<td>$1,814,069</td>
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<tr>
<td>Total Estimated Cost</td>
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<td></td>
<td>$2,024,834</td>
<td>$2,024,834</td>
<td>$2,005,698</td>
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**Total Maximum Reimbursement by VDOT to Locality (Less Local Share):** $2,024,834  
**Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses):** $2,005,698

#### Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing State Match</th>
<th>Revenue Sharing Local Match</th>
<th>Aggregate Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,150,152</td>
<td>$2,150,152</td>
<td>$4,300,304</td>
</tr>
</tbody>
</table>

#### Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT's Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 11/22/2012.
- This is a limited funds project. THE LOCALITY shall be responsible for any additional funding in excess of $2,024,834.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on the appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion, the locality will be responsible for any changes made.
- The design features of the project may be altered by the DEPARTMENT without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY13 - $2,000,000 ($1,000,000 locality match and $1,000,000 VDOT match)
  - FY14 - $500,000 ($250,000 locality match and $250,000 VDOT match)
  - FY17 - $1,300,000 ($650,000 locality match and $650,000 VDOT match)
  - FY18 - $500,304 ($250,152 locality match and $250,152 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

---

**Authorized Locality Official and Date**  
**Authorized VDOT Official and Date**

**Typed or printed name of person signing**  
**Revised:** July 3, 2018  
**Typed or printed name of person signing**
Appendix A

Project Number: 9999-121-H66  UPC: 104373  CFDA # N/A  Locality: City of Newport News

Project Location ZIP+4: 23606-2909  Locality DUNS # 809755085  Locality Address (incl ZIP+4): 2400 Washington Ave., Newport News Va., 23607

Project Narrative

Scope: Reconstruction of Prince Drew Road to include curb, gutter and sidewalk.

From: Warwick Blvd

To: Moore Lane North

Locality Project Manager Contact Info: Holly Kidd 757-926-3977  hkidd@nnva.gov

Department Project Coordinator Contact Info: Chessa Villaflores 757-956-3094  chessa.villaflores@vdot.virginia.gov

Project Estimates

<table>
<thead>
<tr>
<th>Estimated Locality Project Expenses</th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$270,040</td>
<td>$270,040</td>
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<td>$2,121,012</td>
<td>$2,545,278</td>
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<tr>
<td>$12,960</td>
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<td>$0</td>
<td>$5,000</td>
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<tr>
<td>$283,000</td>
<td>$283,000</td>
<td>$154,226</td>
<td>$2,126,012</td>
<td>$2,563,238</td>
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Project Cost and Reimbursement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds type</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max Reimbursement - Est. VDOT Expenses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$283,000</td>
<td>Revenue Sharing</td>
<td>50%</td>
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<td>Total PE</td>
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<tr>
<td>Right of Way &amp; Utilities</td>
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<td>$77,113</td>
<td>$77,113</td>
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<td>$77,113</td>
<td>$77,113</td>
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<td>Construction</td>
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<td>Revenue Sharing</td>
<td>50%</td>
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<td>$1,063,006</td>
<td>$1,058,006</td>
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<tr>
<td>Total CH</td>
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<tr>
<td>Total Estimated Cost</td>
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<td>$1,281,619</td>
<td>$1,263,659</td>
</tr>
</tbody>
</table>

Total Maximum Reimbursement by VDOT to Locality (Less Local Share) $1,281,619

Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses) $1,263,659

Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing - State Match</th>
<th>Revenue Sharing - Local Match</th>
<th>Aggregate Allocations</th>
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<tbody>
<tr>
<td>$1,578,341</td>
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<td>$3,156,682</td>
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Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 08/08/2014.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $1,261,619.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §332-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY must continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  □ FY14 - $2,200,000 ($1,100,000 locality match and $1,100,000 VDOT match)
  □ FY16 - $399,786 ($199,689 locality match and $199,697 VDOT match)
  □ FY17 - $556,866 ($278,443 locality match and $278,443 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expired on June 30, 2019. This Appendix A is a part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: July 3, 2018

Typed or printed name of person signing
Appendix A

Project Number: 0143-121-R69  UPC: 104377  CFDA # N/A  Locality: City of Newport News

Project Location ZIP+4: 23605-0021  Locality DUNS #: 809755085  Locality Address (incl ZIP+4): 2400 Washington Ave., Newport News Va., 23607

Scope: Traffic Signal Mast Arm Conversion on Jefferson Avenue at Center Avenue.

From: Jefferson Avenue
To: Center Avenue

Project Narrative

Locality Project Manager Contact Info: Bridgette Parker 757-926-3314  bjparkere@rva.gov
Department Project Coordinator Contact Info: Chessa Villaflores 757-956-3094  chessa.villaflores@vdot.virginia.gov

Project Estimates

<table>
<thead>
<tr>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$28,000</td>
<td>$75,000</td>
<td>$390,603</td>
<td>$503,633</td>
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<tr>
<td>$11,970</td>
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<td>$50,000</td>
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<td>$321,603</td>
<td>$422,603</td>
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Project Cost and Reimbursement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds Type (Choose from drop down box)</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$50,000</td>
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<td>50%</td>
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Total Maximum Reimbursement by VDOT to Locality (Less Local Share) $247,500
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses) $228,530

Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing - State Match</th>
<th>Revenue Sharing - Local Match</th>
<th>Local Funds</th>
<th>Aggregate Allocations</th>
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<td>$247,500</td>
<td>$247,500</td>
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<td>$522,603</td>
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</table>

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 10/24/2014.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $247,500.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY14 - $295,000 ($147,500 locality match and $147,500 VDOT match)
  - FY17 - $200,000 ($100,000 locality match and $100,000 VDOT match)
- This project is a part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: July 3, 2018

Typed or printed name of person signing
### Project Narrative

Scope: Campbell Road Reconstruction to eliminate ditches by adding curb, gutter, and sidewalk.

From: Bland Blvd.
To: Warwick Blvd.

Locality Project Manager Contact info: Thomas Cheney 757-926-8715 tcheney@nvdva.gov
Department Project Coordinator Contact info: Cheshica Villaflores 757-956-3094 cheshic.villaflores@vdot.virginia.gov

### Project Estimates

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Locality Project Expenses</td>
<td>$1,197,601</td>
<td>$1,500,000</td>
<td>$5,212,699</td>
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<td>Estimated Total Project Costs</td>
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### Project Cost and Reimbursement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds Type</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max Reimbursement - Est. VDOT Expenses)</th>
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<tr>
<td>Preliminary Engineering</td>
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<td>$750,000</td>
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Total Maximum Reimbursement by VDOT to Locality (Less Local Share): $4,470,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses): $4,440,300

### Project Financing

<table>
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<tr>
<th></th>
<th>Revenue Sharing - State Match</th>
<th>Revenue Sharing - Local Match</th>
<th>Aggregate Allocations</th>
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<tr>
<td></td>
<td>$4,500,000</td>
<td>$4,500,000</td>
<td>$9,000,000</td>
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### Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 05/23/2017.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $4,470,000.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY15 - $1,000,000 ($500,000 locality match and $500,000 VDOT match)
  - FY16 - $2,000,000 ($1,000,000 locality match and $1,000,000 VDOT match)
  - FY17 - $3,000,000 ($1,770,000 locality match and $1,230,000 VDOT match)
  - FY20 - $2,460,000 ($1,230,000 locality match and $1,230,000 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: July 3, 2018

Typed or printed name of person signing
Appendix A

Project Number: U000-121-R13
UPC: 107271
CFDA # N/A
Locality: City of Newport News

Date: 3/18/2019

Project Location ZIP+4: 23602
Locality DUNS #: 809755085
Locality Address (incl ZIP+4): 2400 Washington Ave., Newport News Va., 23607

Project Narrative

Scope: Patrick Henry Drive Extension, to construct 2-lane roadway.

From: Tumbleberry Blvd.
To: Bland Blvd.

Locality Project Manager Contact info: Thomas Cheney 757-926-6715 tcheney@nrva.gov
Department Project Coordinator Contact Info: Jessica Villaflores 757-956-3094 jessica.villaflores@vdot.virginia.gov

Project Estimates

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
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Project Cost and Reimbursement

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<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds type (Choose from drop down box)</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
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Total Reimbursement by VDOT to Locality (Less Local Share): $2,513,255
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses): $2,460,255

Project Financing

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<th>Revenue Sharing State Match</th>
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<td>$2,750,000</td>
<td>$2,750,000</td>
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Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 03/01/2018.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $2,513,255.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY must, by execution of this agreement, make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, are approved in the following fiscal years:
  - FY16 - $5,500,000 ($2,750,000 locality match and $2,750,000 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: July 3, 2018
Appendix A

Project Number: 0060-121-R15   UPC: 107278   CFDA #: N/A   Locality: City of Newport News

Locality Address (incl ZIP+4): 2400 Washington Ave., Newport News Va., 23607

Project Narrative

Scope: Warwick Boulevard and Center Avenue signal conversion, replace span wire signal with mast arm signal including ped. accommodations.

From: Warwick Blvd.
To: Center Ave.

Locality Project Manager Contact Info: Dan Detmer 757-926-8661 ddetmer@nrv.gov
Department Project Coordinator Contact Info: Chessa Villaflores 757-986-5004 chessa.villaflores@vdot.virginia.gov

<table>
<thead>
<tr>
<th>Project Estimates</th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
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Project Cost and Reimbursement

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<th>Estimated Project Costs</th>
<th>Funds Type (Choose from drop down box)</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max, Reimbursement - Est, VDOT Expenses)</th>
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</thead>
<tbody>
<tr>
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Total Maximum Reimbursement by VDOT to Locality (Less Local Share) | $213,426
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses) | $200,426

Project Financing

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<th>Revenue Sharing</th>
<th>Revenue Sharing</th>
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<th>Aggregate Allocations</th>
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Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAM Manual, the locality completed project scoping on 05/26/2017.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding not in excess of $213,426.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §332-357 the project must proceed in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY hereby agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY17 - $300,000 ($150,000 locality match and $150,000 VDOT match)
  - FY17 - $326,852 ($163,426 locality match and $63,426 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Authorized Locality Official and Date: ____________________________

Authorized VDOT Official and Date: ____________________________

Typed or printed name of person signing: ____________________________
Revised: July 3, 2018

Typed or printed name of person signing: ____________________________
Project Narrative
Scope: City Sidewalk Construction, installation of new sidewalks & associated ADA ramps at various locations.

From: Citywide
To: Citywide
Locality Project Manager Contact info: Carson Towne 757-926-8337 ctowne@nrvgov
Department Project Coordinator Contact info: Chessica Villaloes 757-956-3094 chessica.villaloes@vdot.virginia.gov

<table>
<thead>
<tr>
<th>Project Estimates</th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
</tr>
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<tbody>
<tr>
<td>Estimated Locality Project Expenses</td>
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<thead>
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<th>Project Cost and Reimbursement</th>
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<tr>
<td>Preliminary Engineering</td>
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<tr>
<td>Total PE</td>
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<tr>
<td>Right of Way &amp; Utilities</td>
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<tr>
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<tr>
<td>Construction</td>
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<tr>
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<tr>
<td>Total Estimated Cost</td>
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Total Maximum Reimbursement by VDOT to Locality (Less Local Share) | $73,226 |
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses) | $64,108 |

Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing - State Match</th>
<th>Revenue Sharing - Local Match</th>
<th>Aggregate Allocations</th>
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<tbody>
<tr>
<td>$58,128</td>
<td>$58,128</td>
<td>$176,256</td>
</tr>
</tbody>
</table>

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 02/01/2018.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $73,226.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY16 - $176,256 ($58,128 locality match and $88,128 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expired on June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: July 3, 2018

Typed or printed name of person signing
## Appendix A

### Project Number:
U000-121-R05  
UPC: 108722  
CFDA #: N/A  
Locality: City of Newport News  
Locality Address (incl ZIP+4): 2400 Washington Ave., Newport News Va., 23607

### Project Narrative

**Scope:** Hogan Drive Ph. 2 - Construct a connector with pedestrian access between Jefferson Ave. and Canon Blvd.

**From:** Jefferson Ave.

**To:** Canon Blvd.

**Locality Project Manager Contact Info:** Thomas Cheney 757-926-4715  
itcheny@nns.gov

**Department Project Coordinator Contact Info:** Chelsea Villaflores 757-956-3094  
vchelseavillafoxes@vdot.virginia.gov

### Project Estimates

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
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</thead>
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<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
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**Total Maximum Reimbursement by VDOT to Locality (Less Local Share)**: $5,150,000

**Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)**: $5,130,000

### Project Financing

<table>
<thead>
<tr>
<th>Revenue Sharing - State Match</th>
<th>Revenue Sharing - Local Match</th>
<th>Local Funds</th>
<th>Aggregate Allocations</th>
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<td>$5,150,000</td>
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</table>

### Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT's Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality shall complete project scoping on or before 02/19/2020.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $5,150,000.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included in this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §233.2-267 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY17 - $2,000,000 ($1,000,000 locality match and $1,000,000 VDOT match)
  - FY18 - $6,300,000 ($3,150,000 locality match and $3,150,000 VDOT match)
  - FY20 - $2,000,000 ($1,000,000 locality match and $1,000,000 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expires on June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

---

**Authorized Locality Official and Date**  
Typed or printed name of person signing  
Revised: July 3, 2018  
**Authorized VDOT Official and Date**  
Typed or printed name of person signing
### Project Narrative

Scope: Habersham Area Improvements, coordinate intersection to improve north-south progression on Jefferson Ave. at I-64 Exit 255.

From: Brick Kiln Blvd.

To: Boykin Lane

Locality Project Manager Contact Info: Carson Towne 757-926-8337 ctowne@nrvva.gov

Department Project Coordinator Contact Info: Chelsey Villalobos 757-956-3094 chelsey.villalobos@vdot.virginia.gov

### Project Estimates

<table>
<thead>
<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds type</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)</th>
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</thead>
<tbody>
<tr>
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<td>$122,783</td>
<td>$115,783</td>
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Total Maximum Reimbursement by VDOT to Locality (Less Local Share) $1,469,273

Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses) $1,469,273

### Project Financing

<table>
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<tr>
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<th>Revenue Sharing - State Match</th>
<th>Revenue Sharing - Local Match</th>
<th>Aggregate Allocations</th>
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<tr>
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<td>$1,500,000</td>
<td>$2,999,999</td>
</tr>
</tbody>
</table>

### Program and Project Specific Funding Requirements

1. This project shall be administered in accordance with VDOT's Locality Administered Projects Manual and Revenue Sharing Program Guidelines.
2. The project will be constructed and maintained in accordance with VDOT's Urban Manual.
3. The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
4. In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 02/01/2019.
5. This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $1,469,273.
6. Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
7. All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
8. This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
9. Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
   - FY17 - $2,000,363 ($1,000,152 locality match and $1,000,015 VDOT match)
   - FY18 - $986,696 ($496,848 locality match and $499,848 VDOT match)
10. This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
11. This project was previously under an executed Programmatic Project Administration Agreement (PAPA) that expires on June 30, 2019. This Appendix A is part of a new PAPA that supersedes all previous versions signed by the Locality and VDOT.

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

**Project Number:** U000-121-R07  **UPC:** 108725  **CFDA #: N/A**  **Locality:** City of Newport News  **Date:** 3/18/2019

**Project Location ZIP+4:** 23602  **Locality DUNS #:** 809755085  **Locality Address (incl ZIP+4):** 2400 Washington Ave., Newport News Va., 23607

**Project Narrative**

**Scope:** Independence Blvd - new roadway. New minor arterial roadway (Independence Boulevard) will provide a secondary north-south connector for traffic congestion relief parallel to Jefferson Avenue.

**From:** Denbigh Blvd.

**To:** Ft. Eustis Blvd.

**Locality Project Manager Contact Info:** Bryan Stilley 757-926-8699  bstilley@nvva.gov

**Department Project Coordinator Contact Info:** Chelsey Villalores 757-956-3094  chelsey.villalores@vdot.virginia.gov

**Project Estimates**

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way and Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
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<tr>
<td>Estimated Locality Project Expenses</td>
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**Project Cost and Reimbursement**

<table>
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<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds type (Choose from drop down box)</th>
<th>Local % Participation for Funds Type</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
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<tbody>
<tr>
<td>Preliminary Engineering</td>
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**Total Maximum Reimbursement by VDOT to Locality (Less Local Share)** $76,901  **Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)** $69,901

**Program and Project Specific Funding Requirements**

- This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual and Revenue Sharing Program Guidelines.
- The project will be constructed and maintained in accordance with VDOT’s Urban Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality shall complete project scoping on or before 01/15/2020.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of $76,901.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government’s board or council resolution subject to appropriation.
- This project has Revenue Sharing Program allocations. Per §33.2-357 the project must progress in order to prevent these funds from being de-allocated.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the LOCALITY subsequent to project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.
- Revenue Sharing Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
  - FY17 - $153,802($76,901 locality match and $76,901 VDOT match)
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects and is included on the Appendix B that is part of the agreement.
- This project was previously under an executed Programmatic Project Administration Agreement (PPAA) that expired on June 30, 2019. This Appendix A is part of a new PPAA that supersedes all previous versions signed by the Locality and VDOT.

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

**Authorized Locality Official and Date**

**Authorized VDOT Official and Date**

**Typed or printed name of person signing**

**Revised:** July 3, 2018

**Typed or printed name of person signing**
### APPENDIX B

**Locality**  
City of Newport News

**Original Programmatic Agreement Date:**  
**Programmatic Agreement Extended Date:**

**Locality Program Coordinator:**  
Bridjette Parker

**VDOT Program Coordinator:**  
Andrew Griffey

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<th>Project #</th>
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</tr>
</tbody>
</table>

---

**Authorized Locality Official**

**Date**

**Authorized VDOT Official**

**Date**
H. Appropriations

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

1. Office of the Commonwealth's Attorney – Asset Forfeiture Fund: Technology Equipment Supplies - $10,000

2. Department of Development – Fourth City Center of Oyster Point Public Parking Garage and Related Traffic Infrastructure Improvements - $31,300,000
H. Appropriations

1. Office of the Commonwealth's Attorney - Asset Forfeiture Fund: Technology Equipment Supplies - $10,000

**ACTION:**
A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $10,000 FROM THE ASSET FORFEITURE FUND OF THE OFFICE OF THE COMMONWEALTH'S ATTORNEY.

**BACKGROUND:**
• The current appropriation request is for computer equipment supplies.

**FISCAL IMPACT:**
• The current unappropriated asset forfeiture fund balance is approximately $47,427.

• The City Manager recommends approval.

**ATTACHMENTS:**
Description
Memo to HCC re CWAO Asset Forfeiture Fund 5.22.19
sdm16890 Appropriation re Commonwealth's Attorney - Asset Forfeiture
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Appropriation from Asset Forfeiture – Commonwealth’s Attorney

The Office of the Commonwealth’s Attorney is requesting the appropriation of $10,000 from the asset forfeiture fund. The funds are used to purchase toner for printers.

Asset forfeiture funds are transferred from the Department of Criminal Justice to the Commonwealth’s Attorney because of officers participating in state and federal criminal cases where the defendant’s assets are seized. The current asset forfeiture balance is approximately $47,427.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:HEG:ea
RESOLUTION NO. ______________

A RESOLUTION APPROPRIATING FUNDS FROM ASSET FORFEITURE - COMMONWEALTH’S ATTORNEY TO COMMONWEALTH’S ATTORNEY OFFICE SUPPLIES.

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

That it hereby appropriates funds from Asset Forfeiture - Commonwealth’s Attorney to Commonwealth’s Attorney Office Supplies, as follows:

Appropriation From:

Asset Forfeiture - Commonwealth’s Attorney
2631-000-22-0000-452000-000000-0000-22F19-22F19

$ 10,000.00

Appropriation To:

Commonwealth’s Attorney Office Supplies
2631-000-22-0000-554010-000000-0000-22F19-22F19

$ 10,000.00
ACTION: A REQUEST TO APPROVE AN APPROPRIATION OF $31,300,000 FOR CONSTRUCTION OF THE FOURTH CITY CENTER AT OYSTER POINT PUBLIC PARKING GARAGE AND RELATED OYSTER POINT TRAFFIC INFRASTRUCTURE IMPROVEMENTS.

BACKGROUND:

- Consistent with the original City Center at Oyster Point (CCOP) Master Plan and in support of ongoing expansion at CCOP, the City and the Economic Development Authority (EDA) entered into a Parking Rights and Administration Agreement to facilitate construction of a fourth public parking garage in CCOP. The City agreed to provide full funding for initial construction of the garage in an amount not to exceed $31,300,000.

- At the November 27, 2018 Regular Meeting, City Council authorized issuance of $38,000,000 in General Obligation General Improvement Bonds to cover the costs of initial garage construction and related traffic infrastructure improvements.

- A public Invitation for Bids (IFB) process for construction of the public parking garage and extension of Pearl Way was managed by the City's Purchasing Department, on behalf of the EDA.

- Upon receipt and evaluation of bids, W.M. Jordan was declared the lowest responsive, responsible bidder with a total bid of $21,593,000, and additional funding of $1,619,475 representing a 7.5% contingency.

- Additionally, contracts to provide construction management, and monitoring and testing services necessary to facilitate construction of the garage project will need to be authorized by the EDA. With contingencies, these contracts are anticipated to total $1,587,525, for a total cost of $24,800,000 for the garage and extension of Pearl Way component of the
An additional $6,500,000 is being requested to fund engineering design work, utility relocation, property acquisition, construction, and related work, associated with transportation infrastructure improvements in and around Oyster Point, to facilitate enhanced traffic flow for individuals travelling in the Oyster Point area.

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memo to HCC re CCOP 4th Parking Garage &amp; Traffic Infrastructure Improvements 5.22.19</td>
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<tr>
<td>sdm16889 Appropriation re CCOP Public Garage &amp; Traffic Improvements</td>
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CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 22, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: 4th City Center at Oyster Point Public Parking Garage and Related Traffic Infrastructure Improvements Appropriation

Consistent with the original City Center at Oyster Point (CCOP) Master Plan and in support of ongoing expansion at CCOP, the City of Newport News (City) and the Economic Development Authority of the City of Newport News, Virginia (EDA) entered into a Parking Rights and Administration Agreement for a 4th public parking garage located at 11829 Canon Boulevard in CCOP. This agreement identified that on behalf of the City, the EDA would facilitate construction of the garage and provide operational support for the garage as part of the existing public parking system at CCOP. The agreement also identified that the City would provide full funding for initial construction of the garage, in an amount not to exceed $31,000,000.

Funding in the amount of $38,000,000 for construction of the public parking garage and related roadway and infrastructure improvements through issuance of General Obligation General Improvement (GOGI) Bonds was authorized by City Council on November 27, 2018.

On behalf of the EDA, the City’s Purchasing Department handled all aspects of the public procurement process. Bids were received and W.M. Jordan was declared the lowest responsive, responsible bidder with a total bid of $21,593,000.

At its April 5, 2019 meeting, the EDA Board took action to authorize award of the contract to W.M. Jordan for the total accepted bid price of $21,593,000, and additional funding of $1,619,475 representing a 7.5% contingency, subject to City Council’s appropriation of the garage and related traffic improvements funding. Additionally, contracts to provide construction management, and monitoring and testing services necessary to facilitate construction of the garage project will need authorization by the EDA. With contingencies, these contracts are anticipated to total $1,587,525, for a total cost of $24,800,000 for the garage and extension of Pearl Way component of the project.
The Honorable City Council  
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4th CCOP Parking Garage & Traffic Infrastructure Appropriation  
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In addition, $6,500,000 is being requested to fund engineering design work, utility relocation, property acquisition, construction, and related work associated with transportation infrastructure improvements in and around Oyster Point. Planned infrastructure improvements have been identified as part of the Traffic Impact Analysis (TIA) study performed in conjunction with the Ferguson expansion project in City Center. When implemented, the proposed improvements will facilitate enhanced traffic flow for individuals travelling in the Oyster Point area.  

Therefore, an appropriation of $31,300,000 is being requested, with $24,800,000 allocated to fund construction of the 4th public parking garage and extension of Pearl Way, as well as all construction management, monitoring and testing services necessary to facilitate construction and an additional $6,500,000 is to be allocated to fund engineering design work, utility relocation, property acquisition, construction and related work associated with transportation infrastructure improvements in and around Oyster Point. 

I recommend approval.  

Cynthia D. Rohlf  

CDR: mej  

cc: Lisa J. Cipriano, Director, Department of Budget and Evaluation  
Florence G. Kingston, Director, Department of Development  
Alonzo R. Bell, Jr., Chair, Economic Development Authority
RESOLUTION NO. ______________

A RESOLUTION APPROPRIATING FUNDS FROM 2019 GENERAL OBLIGATION GENERAL IMPROVEMENTS BONDS TO CITY CENTER AT OYSTER POINT PUBLIC PARKING GARAGE AND CITY CENTER AT OYSTER POINT TRAFFIC INFRASTRUCTURE IMPROVEMENTS.

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

That it hereby appropriates funds from 2019 General Obligation General Improvement Bonds to City Center at Oyster Point Public Parking Garage and City Center at Oyster Point Traffic Infrastructure Improvements, as follows:

Appropriation From:

2019 General Obligation General Improvement Bonds
4104-400-70-700A-579000-000000-2019-00000-A0000 $ 31,300,000.00

Appropriation To:

City Center at Oyster Point Public Parking Garage
4104-400-70-700A-579420-000000-2019-00000-A6407 $ 24,800,000.00

City Center at Oyster Point Traffic Infrastructure Improvements
4104-400-70-700A-579470-000000-2019-00000-A6407 $ 6,500,000.00
I. Citizen Comments on Matters germane to the Business of City Council

J. Old Business, New Business and Councilmember Comments

   City Manager
   City Attorney
   City Clerk

   Scott
   Vick
   Woodbury
   Cherry
   Harris
   Jenkins
   Price

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.”