AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

SEPTEMBER 10, 2019

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation
   • Nyzaiah Gore, Senior, Warwick High School; Student Representative, Newport News School Board

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

D. Presentations
   1. Resolutions HJ 892 (Newport News Police Department’s Young Adult Police Commissioners Program) and HJ 893 (Newport News Fall Festival) – The Honorable Michael P. Mullin, Virginia House of Delegates, 93rd District
   2. Presentation: “Pouring Love Out to Our City” – Pastor John Ware, Lifehouse Newport News Church

E. Public Hearings
   1. Ordinance Authorizing the City to Contract a Debt and Issue General Obligation General Improvement (GOGI) Bonds of the City in the Principal Amount of $55,315,000
   2. Ordinance Granting Conditional Use Permit No. CU-2019-0006, to Studio 128, LLC, to Allow for the Operation of a Banquet/Function Hall on Property Located at 7202 Warwick Boulevard, Zoned C2 General Commercial
   3. Ordinance Authorizing and Directing the City Manager to Execute a Deed of Temporary Easements to Hampton Roads Sanitation District (HRSD) on
City-owned Property Located at 2200 Terminal Avenue and to Execute All Documents Necessary to Complete the Transaction

4. Ordinance Authorizing the Conveyance of a Surplus City-Owned Undeveloped Parcel, Located at 714 South Avenue and Authorizing the City Manager to Execute Any Documents Necessary to Effectuate the Conveyance

F. Consent Agenda

1. Minutes of Work Session for August 13, 2019
2. Minutes of Special Meeting for August 13, 2019
3. Minutes of Regular Meeting for August 13, 2019
4. Ordinance Amending and Reordaining City Code Chapter 6, Animals and Fowl; Article II., Dogs and Cats Generally; Section 6-25, Running at Large; Disposal of Impounded Animals
5. Ordinance Amending and Reordaining City Code Chapter 29, Parks, Squares and Recreation Facilities; Article II., General Regulations Governing Parks, Squares, Beaches, Golf Courses, Etc.; Section 29-50 Regulations for Dogs

G. Other City Council Actions

1. Receipt of Bids for a Utility Easement Across City-Owned Property Located at 701 Jefferson Avenue
2. Resolution Supporting an Application to the Virginia Department of Transportation (VDOT) for Funding Through the FY 2021 and FY 2022 VDOT Revenue Sharing Program
3. Ordinance Authorizing the Renaming of a Portion of Hogan Drive
4. 1 of 2: Resolution Appropriating $4,500 from the Virginia Commission for the Arts Local Challenge Grant to Virginia Commission for the Arts Grant-Support for Local Performing Arts
5. 2 of 2: Newport News Arts Commission (NNAC) - FY 2020 Support for the Arts Funding Recommendations - $159,379
6. 1 of 2: Department of Engineering – FY 2017 State of Good Repair Program ($5,100,000), FY 2020 State Revenue Sharing Program ($3,600,000), FY 2020 Bond Authorization Streets and Bridges Category ($3,600,000): Route 105 Bridge (Fort Eustis Boulevard) over the Newport News (Lee Hall) Reservoir Project - $12,300,000
7. 2 of 2: Resolution Authorizing the City Manager to Execute any and all Documents Necessary for the Completion of the Route 105 (Fort Eustis Boulevard) Bridge over the Newport News Reservoir Replacement Project

H. Appropriations
1. Department of Libraries and Information Services – Neisser Bequest: Main Street Library – $51,290.17
2. Department of Engineering – Regional Surface Transportation Program (RSTP) Funds, ($2,984,472.00) Congestion Mitigation and Air Quality (CMAQ) Funds ($4,564,315.00), and Intercity Passenger Rail Operating Cost (IPROC) Funds ($14,500,000.00): Newport News Transportation Center Project - $22,048,787.00

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

J. *New Business and Councilmember Comments

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

K. Adjourn

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

B. Invocation – Nyzaiah Gore, Senior, Warwick High School; Student Representative, Newport News School Board

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

D. Presentations
E. Public Hearings

1. Ordinance Authorizing the City to Contract a Debt and Issue General Obligation General Improvement (GOGI) Bonds of the City in the Principal Amount of $55,315,000

**ACTION:**

A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY TO CONTRACT A DEBT AND ISSUE GENERAL OBLIGATION GENERAL IMPROVEMENT (GOGI) BONDS IN THE AMOUNT OF $55,315,000 TO FINANCE THE COSTS OF VARIOUS PUBLIC IMPROVEMENTS PROJECTS.

**BACKGROUND:**

- The proposed bond ordinance of $55,315,000 will allow the City the flexibility to issue bonds if market conditions at the time of a bond sale provide the best financing option for the City.

**FISCAL IMPACT:**

- The ordinance is in support of the projects in the City's Adopted FY 2020 Capital Improvement Plan (CIP).

- This ordinance includes the customary authorization to issue Bond Anticipation Notes (BANS) prior to a bond sale, should cash flow or market conditions dictate the use of such financing.

- The City Manager recommends approval.

**ATTACHMENTS:**

<table>
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<tr>
<th>Description</th>
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<tr>
<td>Memo to HCC re FY 2020 Bond Authorization 9.4.19</td>
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<tr>
<td>2019 Bond Authorization Ordinance</td>
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TO: The Honorable City Council
FROM: City Manager
SUBJECT: FY 2020 Bond Authorization

In order to appropriate money for and begin projects approved in the Adopted FY 2020 Capital Improvements Plan (CIP), it is recommend that the FY 2020 Bond Authorization be $55,315,000. Adoption of this bond authorization will allow for the sale of bonds in the future, when necessary.

Seventy-six percent (76%) or $42,313,000 of the total Bond Authorization is General Fund tax revenue debt supported projects. Of the General Fund supported debt portion, the Schools Category at $10,000,000 is the largest of this group, at 24%. The remaining $13,002,000 or 24% is for projects in the fee based self-supporting funds of Stormwater (Stormwater Drainage) and Wastewater (Sewer Rehabilitations).

A category summary of the proposed bond authorization is provided below.

<table>
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</tr>
<tr>
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<td><strong>$55,315,000</strong></td>
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The Honorable City Council  
Page 2  
FY 2020 Bond Authorization  
September 4, 2019

State law requires that City Council conduct a public hearing to allow citizens an opportunity to present their views on the proposed bond ordinance. The Notice of Public Hearing appeared in the Daily Press on Tuesday, August 27, 2019, and again on Tuesday, September 3, 2019. The public hearing will be held at the September 10, 2019 City Council meeting.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:LJC

cc: Lisa J. Cipriano, Director, Department of Budget & Evaluation
ORDINANCE NO. ____________

AN ORDINANCE AUTHORIZING THE ISSUANCE OF FIFTY-FIVE MILLION THREE HUNDRED FIFTEEN THOUSAND DOLLARS ($55,315,000) AGGREGATE PRINCIPAL AMOUNT OF CITY OF NEWPORT NEWS, VIRGINIA, GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT RELATING TO THE BONDS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A CONTINUING DISCLOSURE CERTIFICATE OR A CONTINUING DISCLOSURE AGREEMENT RELATING TO THE BONDS; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION GENERAL IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND SPECIFYING MORE PARTICULARLY THE PURPOSES TO WHICH THE PROCEEDS SHALL BE APPLIED

WHEREAS, in the judgment of the Council (the “Council”) of the City of Newport News, Virginia (the “City”), it is desirable to authorize the issuance of $55,315,000 aggregate principal amount of general obligations of the City in the form of General Obligation General Improvement Bonds of the City to provide funds to pay the costs of various public improvement projects of and for the City and to authorize the issuance of a like principal amount of General Obligation General Improvement Bond Anticipation Notes in anticipation of the issuance of such Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA:

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991, for the purpose of providing funds to finance the costs of various public improvement projects of and for the City as set forth in Section 7, there are authorized to be issued Fifty-Five Million Three Hundred Fifteen Thousand Dollars ($55,315,000) aggregate principal amount of general obligation bonds of the City to be designated “General Obligation General Improvement Bonds” (the “Bonds”).

SECTION 2. (a) The Bonds shall be issued and sold in their entirety at one time, or from time to time in part in series, as shall be determined by the City Manager. Any series of the Bonds may be sold contemporaneously with any other bonds of the City. There shall be added to the designation of the Bonds a series designation determined by the City Manager of the City. All such Bonds shall be issued in fully registered form and shall be in the denomination of $5,000 or any integral multiple thereof. The Bonds of a given series shall be
numbered from GR-1 upwards in order of issuance and shall have such other series designation as shall be determined by the City Manager; shall mature in such years and in such amounts in each year as shall be determined by the City Manager; and shall bear interest, calculated on the basis of a 360-day year consisting of twelve 30-day months, at such rate or rates per annum as shall be determined in accordance with the provisions of Section 9, such interest to be payable semiannually; provided that the first interest payment date may be any date within one (1) year from the date of the Bonds as determined by the City Manager. The City Manager is authorized to determine, in accordance with and subject to the provisions of this Ordinance: the date or dates of the Bonds; the interest payment dates thereof; the maturity dates thereof; the amount of principal maturing on each maturity date; the place or places of payment thereof and the paying agent or paying agents therefor; the place of registration, exchange or transfer thereof and the registrar therefor; and whether or not the Bonds shall be subject to redemption prior to their stated maturity or maturities and if subject to such redemption, the premiums, if any, payable upon such redemption and the respective periods in which such premiums are payable. In the event the Bonds of any series shall be dated as of a date other than the first day of a calendar month or the dates on which interest is payable on such series are other than the first days of calendar months, the provisions of Section 4 with regard to the authentication of such Bonds and of Section 10 with regard to the forms of such Bonds shall be modified as the City Manager shall determine to be necessary or appropriate.

(b) (i) If the Bonds of any series are subject to redemption and if any Bonds (or portions thereof in installments of $5,000 or any integral multiple thereof) are to be redeemed, notice of such redemption specifying the date, numbers and maturity or maturities of the Bond or Bonds to be redeemed, the date and place or places fixed for their redemption and if less than the entire principal amount of a Bond called for redemption is to be redeemed, that such Bond must be surrendered in exchange for payment of the principal amount thereof to be redeemed and the issuance of a new Bond or Bonds equalling in principal amount that portion of the principal amount of such Bond not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner of such Bond at the address of such registered owner as it appears on the books of registry kept by the registrar and paying agent as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If any Bond shall have been called for redemption and notice thereof shall have been given as hereinafore set forth, and payment of the principal amount of such Bond (or of the principal amount thereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest on such Bond (or on the principal amount thereof to be redeemed) shall cease to accrue from and after the date so specified for the redemption thereof.

(ii) Any notice of the optional redemption of the Bonds may state that it is conditioned upon there being on deposit with the City, or with the registrar and paying agent on behalf of the City, on the date fixed for the redemption thereof an amount of money sufficient to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of such Bonds, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of any Bonds does not occur after a conditional notice is given due to there not being on deposit with the City, or with the registrar and paying agent on behalf of the City, a sufficient
amount of money to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, the corresponding notice of redemption shall be deemed to be revoked.

(iii) So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee. The City shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

SECTION 3. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 4. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor of the City and shall have a facsimile of the corporate seal of the City imprinted thereon, attested by the manual or facsimile signature of the City Clerk of the City.

(b) The City Manager shall direct the registrar and paying agent for the Bonds of a given series to authenticate such Bonds and no such Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by an authorized officer of the registrar and paying agent. Upon the authentication of any Bonds the registrar and paying agent shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the series of Bonds of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such interest payment date, the certificate shall be dated as of such interest payment date and (iv) in all other instances the certificate shall be dated as of the interest payment date next preceding the date upon which the Bond is authenticated.

(c) The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 5. (a) The principal of the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts, at the option of the registered owner thereof, at the place or places of payment and through the paying agent or paying agents for the Bonds determined by the City Manager in accordance with Section 2. Interest on the Bonds shall be payable by check mailed by the registrar and paying agent to the registered owners of such Bonds at their
respective addresses as such addresses appear on the books of registry kept pursuant to this Section 5; *provided, however,* that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(b) At all times during which any Bond of any series remains outstanding and unpaid, the registrar and paying agent for such series shall keep or cause to be kept at its designated corporate trust office books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation at its designated corporate trust office for such purpose, the registrar and paying agent, under such reasonable regulations as it may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as hereinbefore set forth.

(c) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(d) Any Bond may be exchanged at the designated corporate trust office of the registrar and paying agent for such series of Bonds for a like aggregate principal amount of such Bonds in other authorized principal sums of the same series, interest rate and maturity.

(e) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by such person's duly authorized agent, upon surrender of such Bond to the registrar and paying agent for such series for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or by the duly authorized attorney for such registered owner, in form satisfactory to the registrar and paying agent.

(f) All transfers or exchanges pursuant to this Section 5 shall be made without expense to the registered owner of such Bonds, except as otherwise herein provided, and except that the registrar and paying agent for such series of Bonds shall require the payment by the registered owner of the Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 5 shall be cancelled.

(g) (i) The Bonds shall be issued in full book-entry form. One Bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of DTC, as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of $5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Principal and interest payments on the Bonds will be made by the registrar and paying agent in its capacity as paying agent for the Bonds to DTC or its nominee, Cede & Co., as registered owner of the Bonds, which will in turn remit such payments to DTC participants for subsequent disbursal to the beneficial owners of the Bonds. Transfers of
principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying or otherwise dealing with any beneficial owner of the Bonds.

SECTION 6.  (a) CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed; no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use; and any inaccuracy, error or omission with respect to such numbers shall not constitute cause for failure or refusal by a purchaser of the Bonds to accept delivery of and pay for such Bonds. All expenses in connection with the assignment and printing of CUSIP numbers on the Bonds shall be paid by the initial purchasers of the Bonds.

(b) A copy of the final legal opinion with respect to the Bonds, with the name of the attorney or attorneys rendering the same, together with a certification of the City Clerk, executed by a facsimile signature of that officer, to the effect that such copy is a true and complete copy (except for letterhead and date) of the legal opinion which was dated as of the date of delivery of and payment for the Bonds, may be printed on the Bonds.

SECTION 7. The proceeds of sale of the Bonds shall be applied to the payment of the costs of the following public improvement projects of and for the City set forth below (including expenses necessary or incidental to the financing thereof) in substantially the following amounts:

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provided that if any category set forth above shall require less than the entire amount indicated for such category, the difference may be applied to any of the other categories, without further action of the Council, and net proceeds constituting original issue premium, if any, shall be allocated to the projects above in such amounts as shall be determined by the City Manager.
SECTION 8. To the extent it shall be contemplated at the time of their issuance that the interest on any Bonds issued hereunder shall be excludable from gross income for purposes of federal income taxation, the City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the “1986 Code”) and the applicable Treasury Regulations promulgated under such Sections 103 and 141-150 so long as any Bonds are outstanding.

SECTION 9. (a) Pursuant to the authority of and for the purposes specified herein, the Council hereby authorizes the City Manager, without further action of the Council, to sell the Bonds in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than ninety-seven percent (97%) of the principal amount thereof, plus accrued interest from their date to the date of delivery thereof and payment therefor, and on such other terms and conditions as are provided in the Official Notice of Sale thereof or in the Purchase Contract or Bond Purchase Agreement relating thereto. The Bonds shall bear interest at such rates per annum as shall be approved by the City Manager; provided that (i) in no event shall the true interest cost to the City for the Bonds of any series exceed six percent (6%) and (ii) in no event shall the premium payable by the City upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof.

(b) If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the City under a combined Official Notice of Sale. If the Bonds are sold at competitive sale, the City Manager is hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) an Official Notice of Sale of the Bonds in such form and containing such terms and conditions as the City Manager may deem advisable, subject to the provisions hereof.

(c) If the Bonds are sold at negotiated sale, the City Manager is hereby authorized to select the underwriters for the Bonds of each series (the “Underwriters”) and to sell the Bonds of each series at a negotiated sale to the Underwriters selected by the City Manager, and to execute and deliver to the Underwriters one or more Purchase Contracts or Bond Purchase Agreements relating to the sale of the Bonds by the City to such Underwriters.

(d) The City Manager is hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) a Preliminary Official Statement and a final Official Statement relating to the Bonds of each series. The City Manager is hereby further authorized to certify that the Preliminary Official Statement for the Bonds of each series authorized hereunder is “deemed final” for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (“Rule 15c2-12”). The Mayor is hereby authorized to execute and deliver the final Official Statement for the Bonds of each series authorized hereunder, and the City Manager, the Director of Budget and Evaluation and the City Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds of each series certificates in the forms provided for in the Official Statement for the Bonds of such series.

(e) The City Manager is hereby further authorized to execute and deliver to the purchasers of the Bonds of each series authorized hereunder a Continuing Disclosure Certificate or a Continuing Disclosure Agreement evidencing the City’s undertaking to comply
with the continuing disclosure requirements of Paragraph (b)(5) of Rule 15c2-12 to the extent applicable to the Bonds, such Continuing Disclosure Certificate or Continuing Disclosure Agreement to be in such form as shall be approved by the City Manager upon the advice of counsel (including the City Attorney or Bond Counsel to the City), such approval to be conclusively evidenced by the execution of such Continuing Disclosure Certificate or Continuing Disclosure Agreement by the City Manager.

SECTION 10. The Bonds, the certificate of authentication of the registrar and paying agent and the assignment endorsed on the Bonds, shall be in substantially the form set forth in Exhibit A.

SECTION 11. General obligation general improvement bond anticipation notes (the “Notes”) are authorized for issuance and sale by the City Manager in anticipation of the issuance of the Bonds authorized for issuance herein. The Notes shall be sold at competitive or negotiated sale at not less than ninety-seven percent (97%) of the principal amount thereof, plus accrued interest thereon from that date to the date of delivery thereof and payment therefor and on such other terms and conditions as are determined by the City Manager. The Notes shall bear interest, calculated on such basis as shall be determined by the City Manager, such interest to be payable on such date or dates or at maturity as shall be determined by the City Manager, and shall mature on such date or dates as shall be determined by the City Manager. If the Notes are offered for competitive sale, a notice of sale or summary notice of sale shall be prepared, published and distributed. There shall also be prepared and distributed (via electronic dissemination or otherwise) a Preliminary Official Statement and a final Official Statement relating to the Notes in such form as shall be approved by the City Manager. The issuance and details of the Notes shall be governed by the provisions of Section 15.2-2628 of Title 15.2, Chapter 26, Article 2 of the Code of Virginia, 1950. The provisions of Sections 3 and 8 shall apply to the Notes to the same extent the same apply to the Bonds except, in the case of the provisions of Section 3, only to the extent the Notes are not paid from the proceeds of the Bonds or from any other available funds. The City Manager is hereby authorized, without further notice to or action by the Council, to sell the Notes of any series and to determine the rates of interest the Notes of such series shall bear; provided that: (i) in no event shall the true interest cost to the City for the Notes of such series exceed six percent (6%); and (ii) in no event shall the premium payable by the City upon the redemption of the Notes of such series exceed two percent (2%). The Bonds in anticipation of which the Notes are issued pursuant to this Section 11 may be issued and sold in accordance with the provisions of this Ordinance at any time within five (5) years of the date of issuance of the first Notes issued in anticipation of such Bonds.

SECTION 12. The Council hereby authorizes the City to make expenditures for the purpose for which the Bonds are to be issued in advance of the issuance and receipt of the proceeds of the Bonds and to reimburse such expenditures from the proceeds of the Bonds. The adoption of this Ordinance shall be considered as an “official intent” within the meaning of Treasury Regulation Section 1.150-2 promulgated under the 1986 Code.

SECTION 13. The City Clerk is hereby directed to file a copy of this Ordinance, certified by such City Clerk to be a true copy hereof, with the Circuit Court of the City of Newport News, Virginia.
SECTION 14. All ordinances and proceedings in conflict herewith are, to the extent of such conflict, repealed.
EXHIBIT A

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF NEWPORT NEWS
GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS
SERIES _ OF ___

REGISTERED

No. GR-____

$_______

MATURITY DATE:  INTEREST RATE:  DATE OF BONDS:  CUSIP NUMBER:

REGISTERED OWNER:

PRINCIPAL SUM:  DOLLARS

THE CITY OF NEWPORT NEWS, IN THE COMMONWEALTH OF VIRGINIA (THE “CITY”), FOR VALUE RECEIVED, ACKNOWLEDGES ITSELF INDEBTED AND HEREBY PROMISES TO PAY to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above) (unless this Bond shall be subject to prior redemption and shall have been duly called for previous redemption and payment of the redemption price duly made or provided for), the Principal Sum (specified above), and to pay interest on such Principal Sum on ________, ___ and semiannually on each ________ and ________ thereafter (each such date is hereinafter referred to as an “interest payment date”), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, [or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof in whose name this Bond is registered upon the books of registry, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date] [or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof in whose name this Bond is registered upon the books of registry, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date]; provided, however, that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), or in the name of such
other nominee of DTC as may be requested by an authorized representative of DTC, interest on
this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.
Interest on this Bond shall be calculated on the basis of a three hundred and sixty (360) day year
comprised of twelve (12) thirty (30) day months.

The principal of this Bond is payable on presentation and surrender hereof, at the
designated corporate trust office of ________________, the Registrar and Paying
Agent, in the City of __________, __________. Principal of and interest on this Bond are
payable in any coin or currency of the United States of America which, on the respective dates of
payment thereof, shall be legal tender for public and private debts.

This Bond is one of a series of Bonds of like date, denomination and tenor except
as to number, interest rate and maturity issued for the purpose of providing funds to pay the costs
of various public improvement projects of and for the City, under and pursuant to and in full
compliance with the Constitution and statutes of the Commonwealth of Virginia, including
Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of
1991), and ordinances and other proceedings of the Council of the City duly adopted and taken
under such the Public Finance Act of 1991.

The Bonds of the series of which this Bond is one (or portions thereof in
installments of $5,000) maturing on and after _________ 1, ___ are subject to redemption at the
option of the City prior to their stated maturities on or after _________ 1, ___, in whole or in
part from time to time on any date, in such order as may be determined by the City (except that if
at any time less than all of the Bonds of a given maturity are called for redemption, the particular
Bonds or portions thereof in installments of $5,000 of such maturity to be redeemed shall be
selected by lot), upon payment of a redemption price equal to the principal amount of the Bonds
to be redeemed, together with the interest accrued thereon to the date fixed for redemption
thereof.

The Bonds of the series of which this Bond is one maturing on _______ 1, ___
are subject to mandatory sinking fund redemption on ______ 1, ___ and on ______ 1 of each
year thereafter and to payment at maturity in the principal amounts in each year set forth below,
in the case of redemption with the particular Bond or Bonds maturing on ______ 1, ___ or
portions thereof to be redeemed to be selected by lot, upon payment of the principal amount of
the Bonds maturing on ________ 1, ____ to be redeemed, together with the interest accrued on
the principal amount to be redeemed to the date fixed for the redemption thereof:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
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</table>

The City, at its option, may credit against such mandatory sinking fund redemption requirement
the principal amount of any Bonds maturing on ________ 1, ___ which have been purchased and
cancelled by the City or which have been redeemed and not theretofore applied as a credit
against such mandatory sinking fund redemption requirement.
If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of $5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the portion of the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at the address of such Registered Owner as it appears on the books of registry kept by the Registrar and Paying Agent as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond (or the portion of the principal amount hereof to be redeemed) shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Any notice of the optional redemption of this Bond may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent on behalf of the City, on the date fixed for the redemption hereof an amount of money sufficient to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of this Bond, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of this Bond does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent on behalf of the City, a sufficient amount of money to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, the corresponding notice of redemption shall be deemed to be revoked.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, this Bond may be exchanged at the designated corporate trust office of the Registrar and Paying Agent for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same series, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by the attorney for such Registered Owner duly authorized in writing, on the books of registry kept by the Registrar and Paying Agent for such purpose at the designated corporate trust office of the Registrar and Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered, will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are
assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by an authorized officer of the Registrar and Paying Agent.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia or the Charter of the City.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of the Mayor of the City; a facsimile of the corporate seal of the City to be imprinted hereon attested by the manual or facsimile signature of the City Clerk of the City; and this Bond to be dated the date first above written.

CITY OF NEWPORT NEWS, VIRGINIA

[SEAL]

Mayor

Attest:

City Clerk

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

[____________________], Registrar and Paying Agent

By: ________________________________

Authorized Officer

Date of Authentication: ________________
ASSIGNMENT

For valued received the undersigned hereby sell(s), assign(s) and transfer(s) unto

(Please print or type name and address of, including postal zip code, of Assignee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER TAX IDENTIFYING NUMBER OF ASSIGNEE

the within Bond and all rights hereunder, hereby irrevocably constituting and appointing
______________________, Attorney, to transfer such Bond on the books kept for the
registration thereof, with the full power of substitution in the premises.

Dated: __________________

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock
Exchange, Inc. or a commercial bank or trust company.

(Signature of Registered Owner)
NOTICE: The signature above must correspond with the name of the Registered
Owner as it appears on the front of this Bond in every particular, without alteration,
enlargement or any change whatsoever.
E. Public Hearings

2. Ordinance Granting Conditional Use Permit No. CU-2019-0006, to Studio 128, LLC, to Allow for the Operation of a Banquet/Function Hall on Property Located at 7202 Warwick Boulevard, Zoned C2 General Commercial

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-2019-0006, TO STUDIO128, LLC, FOR THE OPERATION OF A BANQUET/FUNCTION HALL AT 7202 WARWICK BOULEVARD AND ZONED C2 GENERAL COMMERCIAL.

**BACKGROUND:**
- The proposed banquet/function hall will be located in a portion of a building on a major arterial that backs up to the CSX railroad.
- The request is consistent with the *One City, One Future Comprehensive Plan 2040* land use map.
- On August 7, 2019 the City Planning Commission voted unanimously 8:0 to recommend approval of the request with conditions.

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

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
Description
Memo to HCC Re CU-2019-0006 Studio128, LLC 9.4.19
Staff Report and CPC Minutes
CU-2019-0006 Banquet Hall - Studio128 LLC
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conditional Use Permit No. CU-2019-0006, Studio128, LLC

Studio128, LLC requests a conditional use permit for the operation of a banquet/function hall located at 7202 Warwick Boulevard. The property contains one acre and is zoned C2 General Commercial.

The banquet/function hall will occupy 7,261 square feet of the 10,037 square foot building that is located on a major arterial that backs up to the CSX railroad. The maximum occupancy of the building will be 300, with events ending no later than 11:00 PM as designated in the rental contract.

To meet the parking requirement, a site plan will be required to create additional parking spaces as well as repair and resurface the existing parking lot. Landscaping will be added to enhance the site along the Warwick Boulevard frontage.

The proposed use is consistent with the One City, One Future Comprehensive Plan 2040 and the conditions as well as the rental agreement will minimize any negative impacts associated with the use.

On August 7, 2019, the City Planning Commission voted unanimously 8:0 to recommend approval of the request to City Council with conditions.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR:SWM:cp

Attachment

cc: Sheila W. McAllister, Director, Department of Planning
August 21, 2019

TO: Members of the Newport News City Council

FROM: Newport News Planning Commission Executive Secretary

SUBJECT: Newport News Planning Commission Recommendation for City Council Meeting of September 10, 2019

CONDITIONAL USE PERMIT

**CU-2019-0006, Studio128, LLC.** Requests a conditional use permit to operate a banquet/function hall located at 7202 Warwick Boulevard. The parcel contains 1.0 acre and is zoned C2 General Commercial. The *One City, One Future Comprehensive Plan 2040* recommends community commercial uses for this parcel. The Parcel Number is 278.00.04.17.

The Planning Commission voted unanimously (8:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. The total occupancy of the banquet/function hall shall be limited to 300 maximum.

2. All banquet/function hall events shall end by 11:00 PM and the premises shall be vacated from 12:00 AM to 6:00 AM.

3. There shall be no outdoor storage on the property.

4. Signage shall be restricted to the existing monument sign. If the sign is to be replaced, the new sign shall be a monument style sign no taller than 8 feet measured from the curb to the highest point of the sign area structure. 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 prior to the issuance of a sign permit.
5. The existing building-mounted sign panel shall be removed and the façade repaired and re-painted as necessary. If new building signage is proposed, the design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

6. The portion of the building labeled “Storage” on the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4 shall be utilized only for bulk storage incidental to the banquet/function hall use.

7. A class 2 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the site plan entitled “Banquet Facility” prepared by ARCI dated February 5, 2019 and identified as Appendix A-4 and shall conform to this conditional use permit, the city’s site regulations and the zoning ordinance.

8. The parking areas shall be striped in accordance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4, subject to modifications required for the class 2 site plan approval.

9. Site lighting shall be shielded in a manner so as to direct lighting inward to the property and prevent glare onto adjacent properties or vehicular public rights-of-way.

10. Landscaping shall be installed along Warwick Boulevard and at the building entry area, subject to review and approval by the Director of Planning. All landscaping shall be installed in accordance with the approved plan and shall be maintained in healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.

11. 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 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.

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

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

14. 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.

15. 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.

16. 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.
The Honorable City Council  
Page 4  
City Planning Commission Recommendations  
August 21, 2019  

17. 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.

18. 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.

Sheila W. McAllister, AICP  
Director

SWM:mmI

cc: City Manager, CR  
    Executive Assistant, JT

K:\Plan 19-20\City Council\CPC Recommendations\Recommendations for September 10, 2019.doc
Conditional Use Permit Application No. CU-2019-0006
Studio128, LLC.

Applicant/Owner: Studio128, LLC
Zoning: C2 General Commercial (Appendix A-1)

Location: 7202 Warwick Blvd.
One City One Future: Community Commercial (Appendix A-2)

Present Use: Office/Vacant
Acreage: 1.00 acre

Request: Conditional use permit for operation of a banquet/function hall

FACTS

North: One Stop Auto on property zoned C2 General Commercial
South: Spoonios Hair Salon on property zoned C2 General Commercial
East: CSX railroad zoned M1 Light Industrial
West: Huntington on the James apartments zoned R7 Medium-Density Multi-Family

Zoning History: The property has been zoned C2 General Commercial since the citywide comprehensive rezoning became effective on August 1, 1997.

Regulatory Review: Banquet/function halls are permitted in the C2 General Commercial district with the approval of a conditional use permit. The existing building is 10,037 square feet in total. The parking requirement for a banquet/function hall is one space per 100 square feet of total floor area, with the exception of unoccupied floor area. The site plan (Appendix A-4) indicates 7,261 square feet of the building will be dedicated to banquet hall use, which includes a kitchenette, restrooms, an entry/reception area and associated access points.
and hallways. The building also includes a 356 square foot office not associated with the banquet/function hall for which the parking requirement is one space per 300 square feet. As such, the total parking requirement for the site is 75 spaces (73 for the banquet/function hall and 2 for office use). The remainder of the building (2,420 square feet) is devoted to bulk storage associated with the banquet/function hall use, which is excluded from the off-street parking requirement as indicated above.

Department of Engineering staff requested the submittal and approval of a class 2 site plan that will include a Traffic Impact Statement. They indicated that a clear drive aisle width of twenty-four feet is required for vehicular access and parking in the rear of the property and the need for modification of the driveway entrances at the city right-of-way. Existing utilities are adequate to serve the property.

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

Comprehensive Plan Review

The adopted One City, One Future Comprehensive Plan 2040 land use map identifies Community Commercial uses for the parcel. (See Appendix A-2.)

ANALYSIS

The property is located along a predominantly commercial corridor with a multi-family apartment complex directly across the street. The historic North End Huntington Heights neighborhood lies just to the southwest and the railroad right-of-way abuts the property to the east. Commercial enterprises in the area include auto sales and service, business offices, convenience stores and other small retail establishments. A number of the commercial buildings are vacant and for sale, however, the area has seen some reinvestment with the rehabilitation of a few of the commercial buildings. The great majority of nearby residential properties are well-cared for and thriving.

The 10,037 square foot building had previously been utilized for a church, a charity clothing distribution facility and other commercial uses. Conversion of the building into a banquet hall will re-activate the space and provide a new and vibrant use for the community. Proposed landscaping will enhance the street frontage and make the building entrance area more attractive.

The business plan indicates that the owners of the property will operate the facility. The target market is small to moderately-sized gatherings, with a total capacity of 300 people. There are no other facilities of this size in the area. The banquet facility will have the ability to provide chairs and tables, stanchions, linens, audio-visual equipment, and will allow use of the kitchenette to facilitate catering. The occupancy load maximum of 300 total occupants includes guests, caterers and servers, entertainment and all other staff. Events will end no later than 11:00 PM. (See Appendix A-7.)
The proposed site plan includes parking for a total of 75 vehicles, including 65 regular, 3 handicap and 7 compact spaces, which satisfies code requirements. The parking lot will be repaired, resealed and restriped which will improve its appearance. Landscape improvements will be installed around the existing monument sign, in front of the parking lot along Warwick Boulevard, and at the front entrance. The existing monument sign will be re-utilized with its illuminated regular lettering cabinet. Site lighting will be adjusted as necessary so as not to adversely affect neighboring properties.

CONCLUSION

The proposed use of a banquet/function hall is consistent with the One City, One Future Comprehensive Plan 2040 and will enhance the commercial vitality of the Warwick Boulevard corridor. As conditioned, the banquet/function hall use is compatible with, and not injurious to the surrounding properties.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-2019-0006 to allow for the operation of a banquet/function hall and office space at 7202 Warwick Boulevard with the following conditions:

1. The total occupancy of the banquet/function hall shall be limited to 300 maximum.

2. All banquet/function hall events shall end by 11:00 PM and the premises shall be vacated from 12:00 AM to 6:00 AM.

3. There shall be no outdoor storage on the property.

4. Signage shall be restricted to the existing monument sign. If the sign is to be replaced, the new sign shall be a monument style sign no taller than 8 feet measured from the curb to the highest point of the sign area structure. 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 prior to the issuance of a sign permit.

5. The existing building-mounted sign panel shall be removed and the façade repaired and re-painted as necessary. If new building signage is proposed, the design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

6. The portion of the building labeled “Storage” on the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4 shall be utilized only for bulk storage incidental to the banquet/function hall use.
7. A class 2 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, identified as Appendix A-4, and shall conform to this conditional use permit, the city's site regulations and the zoning ordinance.

8. The parking areas shall be striped in accordance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, identified as Appendix A-4, subject to modifications required for the class 2 site plan approval.

9. Site lighting shall be shielded in a manner so as to direct lighting inward to the property and prevent glare onto adjacent properties or vehicular public rights-of-way.

10. Landscaping shall be installed along Warwick Boulevard and at the building entry area, subject to review and approval by the Director of Planning. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.

11. 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 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.

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

13. 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.

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

15. 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.

16. 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.

17. 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 August 7, 2019, the Planning Commission voted unanimously (8:0) to recommend to City Council approval of conditional use permit CU-2019-0006 to allow for the operation of a banquet/function hall and office space at 7202 Warwick Boulevard with the following conditions:

1. The total occupancy of the banquet/function hall shall be limited to 300 maximum.

2. All banquet/function hall events shall end by 11:00 PM and the premises shall be vacated from 12:00 AM to 6:00 AM.
3. There shall be no outdoor storage on the property.

4. Signage shall be restricted to the existing monument sign. If the sign is to be replaced, the new sign shall be a monument style sign no taller than 8 feet measured from the curb to the highest point of the sign area structure. 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 prior to the issuance of a sign permit.

5. The existing building-mounted sign panel shall be removed and the façade repaired and re-painted as necessary. If new building signage is proposed, the design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

6. The portion of the building labeled “Storage” on the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4, shall be utilized only for bulk storage incidental to the banquet/function hall use.

7. A class 2 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, identified as Appendix A-4 and shall conform to this conditional use permit, the city’s site regulations and the zoning ordinance.

8. The parking areas shall be striped in accordance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4, subject to modifications required for the class 2 site plan approval.

9. Site lighting shall be shielded in a manner so as to direct lighting inward to the property and prevent glare onto adjacent properties or vehicular public rights-of-way.

10. Landscaping shall be installed along Warwick Boulevard and at the building entry area, subject to review and approval by the Director of Planning. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.

11. 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 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.

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

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

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 ZONING MAP
A-2 ONE CITY ONE FUTURE LAND USE MAP
A-3 AERIAL PHOTOGRAPH
A-4 SITE PLAN
A-5 FLOOR PLAN AND ELEVATIONS
A-6 SITE PHOTOGRAPHS
A-7 BUSINESS PLAN AND RENTAL CONTRACT
A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF AUGUST 7, 2019
Business Plan

OWNERS:
James Chester
Valarie Chester
Paul Davis
Sparkle Bailey
Steven Fields
Oneka Fields
Our Business Structure
The owners of Studio128, LLC will collectively serve as the staff to carry out all daily operational duties of the business.

Marketing and Sales Strategy
Studio 128, LLC intends to advertise using various outlets such as social media, local newspapers and radio and tv stations. We also plan to do in-person networking with other local businesses.

Pricing Structure
Studio 128, LLC will offer rental of event space with an hourly rate of $150/hr (banquet room) and $100/hr (conference room). Studio 128, LLC intends to offer affordable pricing that is competitive with other local banquet halls.
**STATEMENT OF PURPOSE:** This business plan was created for the purpose of Studio128, LLC opening a banquet hall/event space that will occupy the existing building at 7202 Warwick Boulevard Newport News, VA 23607. This plan was developed for all six owners (listed above); who, collectively, has a mortgage on the space and will serve as the employees of the business. The intent is to eventually hire staff that will align with the company’s core values and will communicate our brand positively to customers. Studio128, LLC is intended as a private venue that can be rented hourly to host personal or professional events such as birthday parties, baby showers, weddings, meetings, conferences, rehearsal dinners, holiday parties, corporate events, fundraisers, etc. Our goal is to provide a safe and professional environment for the residents of Newport News. We also plan to cater to religious bodies who would like to use our event space for regular meetings. The expected revenue generated by the venue is estimated to be at least $60,000 the first fiscal year.

**Our Products and Services**

Studio128, LLC intends to offer customers the rental of event space (banquet room and/or conference room) to include use of table, chairs and kitchen area (for warming only). In addition to our core service, we intend to offer clients the rental of additional equipment such as linens, stage, red carpet, stanchions, sound bar, projector, and food warmers.

**Our Vision Statement**

Studio128, LLC plans to bring a beautiful yet affordable venue space to the city of Newport News. We intend to be viewed as a great addition to Hampton Roads’ growing community.

**Our Mission Statement**

The purpose of Studio128, LLC is to provide the Hampton Roads area with a banquet hall/event space that provides the perfect solution for meetings, gatherings and events. We plan to provide a safe and exceptional experience for our clients. Our company will produce a positive influence and service to our community, while providing a clean, accessible, and affordable facility to the public. Our goal is to accommodate to our client’s specific needs by providing personal and professional service.
Thank you for choosing to have your event at Studio128, LLC. We are committed to working with you and look forward to creating a truly unique experience for you and your guests. Below is the rental contract which includes the terms and policies for the event venue.

**SECTION TO BE COMPLETED BY STUDIO128 STAFF ONLY**

<table>
<thead>
<tr>
<th>Renter's Name/Company:</th>
<th>Alternate Contact:</th>
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<tr>
<th>Contact Phone:</th>
<th>Email:</th>
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<tr>
<th>Driver's License #:</th>
<th>State:</th>
<th>Expiration:</th>
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<table>
<thead>
<tr>
<th>Date of Event:</th>
<th>Type of event:</th>
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<table>
<thead>
<tr>
<th>Room needed for event: (circle response)</th>
<th>Banquet Room</th>
<th>Conference Room</th>
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<table>
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<tr>
<th>Time of actual event:</th>
<th>30 mins: setup</th>
<th>(OR) clean-up</th>
</tr>
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<tr>
<th>Set-up: # hours- time-</th>
<th>Cleanup: # hours- time-</th>
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<table>
<thead>
<tr>
<th># Tables needed: Round- Rectangle- # Chairs needed:</th>
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<table>
<thead>
<tr>
<th># Chair covers: Black- White-</th>
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<table>
<thead>
<tr>
<th># of expected guests:</th>
<th>Referred by:</th>
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**RENTAL CONTRACT TERMS**

Studio128, LLC offers two rental spaces perfect for any special occasion. The Banquet Room, being the venue's largest room, has a maximum occupancy of 225 guests. The Conference Room, a more intimate space, has a maximum occupancy of 75 guests. Both rooms are rented by the hour or two day wedding package (includes 6 hours setup- day 1 and 5 hour venue rental- day 2 (wedding day). You will not be allowed to prorate rental hours. Walk through and review of contracted time will be done by renter and staff of Studio128, LLC prior to event setup. Cleaning checklist and walkthrough with staff to be completed at end of contracted event. Studio128, LLC will give 30 minutes of rental time which may be used towards décor setup or clean up time only; your choice. Any additional time needed for setup is discounted at $75/hour. Please be advised that you are to rent as many hours needed to accommodate for décor setup, time of actual event and cleanup. Starting your event later than contracted time does not allow you to stay later unless additional hours have been purchased and are available. You will be charged the regular hourly rate if your event starts or ends outside of your contracted times. Payment for any additional time needed is expected at time of event. No refunds will be issued for ending event early; NO EXCEPTIONS. Please keep in mind that all venue/banquet activities must end by 11:00 pm. The entire premises must be vacated no later than midnight (12:00 am). Front doors will be unlocked only during contracted rental time. Ramp must be used for all load-in of equipment to prevent damage to floors. Violation of this may result in forfeiting security deposit. Studio128, LLC is not responsible for rental time lost due to the misuse of utilities by your guests and/or vendors. (i.e. use of DJ equipment causing breaker to trip).
Renter to initial each section below to acknowledge agreement

1. 50% of the grand total is due as a deposit/1st payment upon booking and the remaining balance is due at least 7 days prior to event. Forms of payment accepted are cash, credit card (additional 3% surcharge), CashApp ($Studio128LLC), money order or cashier's check ONLY. Personal checks will NOT be accepted. There will be NO refunds after payment is made. NO EXCEPTIONS.

**DATE CHANGES/CANCELLATION POLICY:** If renter cancels this contract with less than 45 days notice, Studio128, LLC will NOT issue a credit and all payments made will be forfeited. If renter cancels 45 days or more from date of contracted event, a credit equal to amount paid will be issued to use towards another available rental date at Studio128, LLC. Credit must be used within 6 months. The request for a new event date must be done at least 30 days in advance. Studio128, LLC will work to accommodate a date change, within policy guidelines.

2. Responsible party agrees to be solely responsible for any damage/loss and/or missing items of Studio128, LLC's property AND the renter's personal property or any injuries to or by your guests or group. Responsible party also agrees to be solely responsible for and pay any costs associated with any injuries, liabilities, and/or legal suits initiated by or for their guests and/or any attendee at their event for any situation occurring during their event. Liability insurance is encouraged for all events, however it is a requirement of all vendors for weddings. Prior to event, copies of appropriate documentation is to be presented to staff of Studio128, LLC by the responsible party on this contract (renter). Applicable to all events other than weddings: If renter does not purchase insurance and a loss of any kind to products or property occurs, (regardless of fault), renter agrees to fully release Studio128, LLC and its' representatives of any responsibility and/or cost of loss of damages due to that loss, whether to property or on person. These statements apply whether inside building or outside on Studio128, LLC property.

Renter agrees he/she is responsible for any damage or missing items that occur to the rented premises resulting from any reason, whether intentional or unintentional (i.e. broken windows, chairs, etc). Replacement cost of property is due and payable to Studio128, LLC by end of event. (Reference accepted forms of payment above). By contracting Studio128, LLC's facility, you are responsible for the actions of those you include/invite to your event and must follow and enforce all facility regulations with your guests, family, hired vendors, etc. Any violation forfeits your $200 security deposit.

3. Renter will be responsible for any fine imposed on the landlord due to renter's negligence to follow Studio128, LLC policies or the policies governed by the City of Newport News (i.e. noise ordinance).

4. Renters may bring in their own décor, food, and liquor (within ABC Guidelines).

5. Will alcohol be served at this event? YES or NO (Renter to circle response)

Alcohol is not permitted on premises without a posted liquor license by the responsible party on this contract (renter). ABC permit must be presented to Studio128, LLC's staff prior to start of event (during walk through) and it must then be posted next to bar. Consuming alcohol on Studio128, LLC's premises without a liquor license will void this contract and contracted event will immediately come to an end. All guests will be instructed to leave the premises, and clean-up must be completed immediately. No refunds will be issued. Liquor license can be obtained at the ABC office. (4907 W. Mercury, Newport News, 757-825-7830)

6. **HOURS OF OPERATION:** All venue/banquet activities must end by 11:00 pm. The entire premises must be completely vacated no later than **12:00a (midnight)**. DJs and all other vendors must adhere to this time as well. Please allow ample time for cleanup when selecting time of event. Renter
will be charged the hourly rental rate if rented room has not been completely cleaned and vacated by end of contracted time. Fee for staying past contracted time will **NOT** be prorated. (i.e. 15 mins over contracted time will result in 1 hour room rental charge).

7. Rental includes use of up to 12 (twelve) - 60" round tables (8 guests per table), up to 100 padded guest banquet chairs/cover, stage access in banquet room and up to 4 rectangle tables. Wi-Fi is available by request.

- Studio128, LLC will setup tables and chairs in the room according to number of guests expected. It is renter's responsibility at walk through to verify room is set-up with correct amount of chairs and tables.
- Foyer includes: 2 benches, 2 console tables, fireplace and 2 TVs (with cable and USB capability). Upon request, a slide show of the honored guest can be played through the TV(s) in the foyer. Furniture **cannot** be moved without prior permission from Studio128, LLC staff.

8. Renter is responsible for cleaning at the end of the event, unless payment has been made to Studio128, LLC for our employees to do so. A walk through will be performed by Studio128, LLC staff and renter at the end of the event. Renter will be charged the hourly rate if cleaning is not finished by contracted time. **$200 refundable security deposit is subject to forfeit if premises not left in original condition.**

9. Renter may choose to pay $75 for staff of Studio128, LLC to provide cleaning services. **If cleaning services are not paid for in advance, renter will be responsible for the cleaning of the venue based on the requirements outlined below.** Use of candles are permitted but must be contained for safety purposes. **Use of glitter and/or confetti of any kind is prohibited.** Chewing gum will not be allowed on premises. The removal of all personal décor is the responsibility of renter (i.e. items attached to walls, posts, ceiling/ceiling, etc). All visible trash must be bagged. Command Strips, Scotch Tape, and tacks (banquet room only) are the only items that can be used to attach decorations to the walls and must be removed from walls at end of event. Use of anything outside of Command Strips, Scotch Tape, and tacks (banquet room only) on walls will result in $25 damage fee for every item hung. Damage fee would be due and payable by cash only to Studio128, LLC by end of event.

| KITCHEN - (*applicable if used during rental period) | FOYER- (*applicable if used during rental period) | BANQUET/CONFERENCE ROOM |
|------------------------------------------------------|______________________________________________|--------------------------|
| - Wipe and clean all surfaces including microwave (if used) | - Removal of all personal décor | - Removal of all personal décor |
| - Removal of all personal items from refrigerator, counters, cabinets and/or shelves | - Furniture returned to original location | - All visible trash must be bagged |
| - Removal of all personal décor | - All visible trash must be removed and bagged | - Vacuum |
| - All visible trash must be bagged | | - Wipe and clean counter (back corner of banquet room) |

10. Events can only be open to invited guests. Selling tickets or collecting money at the door is prohibited. No guns and/or weapons allowed on premises.

11. No smoking, vaping or use of e-cigarettes on rented premises or other areas inside of Studio128, LLC. Smoking is only allowed outside; guests are to put used cigarettes/cigars in the designated receptacle provided. The renter will notify Studio128, LLC's staff of any illegal activity witnessed in or around rented Studio128, LLC premises. Guests are not allowed to hang out in the parking lot or behind the building. Fire extinguishers are supplied in the common areas and must not be blocked, used without negligence or misuse, or removed from premises. Absolutely no hazardous materials are permitted in or
around rented premises. Renter must not block designated fire exits. Pets are not allowed in rented premises other than service animals.

12. If renter violates any part of this rental agreement, he/she will be considered in breach of contract and it will be at the sole discretion of Studio128, LLC staff to terminate or continue with this contract, even if violation occurs during the contracted event time. Any such violation could result in forfeiting renter's security deposit. This contract shall be governed, construed and interpreted by, thru, and under the laws of the state of Virginia.

13. By signing this rental agreement and/or initialing contract terms/policies, the renter certifies that he/she is at least 18 years of age and has read, understood and agrees to comply with all of the terms, conditions, rules, and regulations set forth in this rental agreement.

<table>
<thead>
<tr>
<th>ROOM RENTAL RATES</th>
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<tbody>
<tr>
<td>Banquet Room: $15/hr with 2 hour rental minimum; Set-up time: $75/hr.</td>
</tr>
<tr>
<td>Conference Room: $100/hr with 2 hour rental minimum; Set-up time: $75/hr.</td>
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<tr>
<td>Wedding Packages: 2-day rentals; Pricing TBD based on needs.</td>
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<tr>
<th>EQUIPMENT RENTAL RATES</th>
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<tbody>
<tr>
<td>Room rental includes use of up to 12 (twelve) 48 round tables (up to 8 guests per table), up to 100 banquet chairs/covers, and up to 4 rectangular tables. Rate for additional tables and chairs outlined below.</td>
</tr>
<tr>
<td>Banquet Chair: $1 per chair (includes spandex cover - black or white)</td>
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<tr>
<td>60 in round table: $10</td>
</tr>
<tr>
<td>6 ft rectangle table: $10; 8 ft rectangle table: $11</td>
</tr>
<tr>
<td>Tablecloth: $5 (polyester tablecloth - black or white; round or rectangle)</td>
</tr>
<tr>
<td>Projector: $20</td>
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<tr>
<td>Sound Bar: $25</td>
</tr>
<tr>
<td>Runway (2' x 4' wood sections): $40; (total set - 8 sections) or $5 per section (min of 2 rental required)</td>
</tr>
<tr>
<td>Buffet Serving Set: $8 (each set includes: 1 wire stand, 1 aluminum water pan, and 2 fuel cans)</td>
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</tbody>
</table>

ACCEPTED AND AGREED TO BY:

Studio128, LLC Staff Signature:  
Renter's Signature:  
Print:  
Print:
Date:  
Date:

THE PARTIES AGREE to the terms and obligations and so execute on the day and date mentioned above.
EXCERPTS FROM PLANNING COMMISSION MINUTES

August 7, 2019

CU-2019-0006, Studio128, LLC. Requests a conditional use permit to operate a banquet/function hall located at 7202 Warwick Boulevard. The parcel contains 1.0 acre and is zoned C2 General Commercial. The One City, One Future Comprehensive Plan 2040 recommends community commercial uses for this parcel. The Parcel Number is 278.00.04.17.

Carolyn Poissant, Planner II, presented the staff report (copy attached to record minutes).

Ms. Fox asked if catering will be brought into the banquet hall or if food would be prepared on-premises. Ms. Poissant stated the applicant has indicated that there are very limited kitchen facilities, so caterers would provide food.

Ms. Willis asked for clarification that this would be an event facility and not a nightclub and everything within the conditional use has been limited to the events location. Ms. Poissant stated yes. She stated events will end at 11:00 P.M. and there is a stipulation that the entire site be vacated between midnight and 6:00 A.M. She stated the occupancy is also limited to 300 people.

Ms. Willis asked how storage space within the building was determined. Ms. Chioros stated that, in the zoning ordinance, there are different requirements for different types of uses and in the case of a restaurant, you cannot discount storage space; however, in this particular use you can. She stated in this case, the storage area is used to store tables and chairs and not every banquet or event will have use of everything the applicant has, so they have to have a place to store those items.

Mr. Mulvaney asked how the consumption of alcohol would be handled. Ms. Chioros stated typically you have an event Alcohol Beverage Control (ABC) license, so for a special event you would be required to get your own or have the caterer get one. Mr. Mulvaney asked how an event permit is reviewed by ABC. He shared a scenario where he rents the facility for a dance and provides alcohol to his guests, which might resemble a night club atmosphere. Ms. Chioros stated he could not have a door charge in that instance. Ms. Chioros stated the ABC regulations are pretty stringent when you do events.

Mr. Simmons opened the public hearing.

Mr. James Chester and Ms. Valarie Chester, 22 Lynnhaven Drive, Hampton, Applicants, thanked Planning staff. They stated they were available for questions.

Ms. Willis asked what type of business classification is Studio128, LLC. Mr. Chester stated we came up with the name by combining our family birthdays. He stated we will
be hosting events at the facility. Mr. Chester stated there are not a lot of places on the peninsula that host weddings and things of that nature.

Mr. Simmons closed the public hearing.

Mr. Groce made a motion to recommend approval of conditional use permit CU-2019-0006 to City Council with conditions. The motion was seconded by Ms. Willis.

**Vote on Roll Call**

**For:** Maxwell, Fox, Mulvaney, Carpenter, Stodghill, Willis, Groce, Simmons

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-2019-0006 to City Council with conditions.
ORDINANCE NO. __________

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0006 FOR THE HEREAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF A BANQUET/FUNCTION HALL IN A C2 CENTRAL COMMERCIAL DISTRICT.

WHEREAS, application number CU-2019-0006 has been made by STUDIO128, LLC for a conditional use permit for the hereinafter described property for the purpose of allowing the operation of a banquet/function hall in a C2 Central Commercial 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-2019-0006 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the operation of a banquet/function hall in a C2 Central Commercial District; and

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

All those certain lots, pieces or parcels of land situate, lying and being in the City of Newport News, Virginia, known and designated as Parcel "A" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF STUDIO128, LLC, (being Lots 5,6 and ½ Lot 7), Map of Division of Property of M.C. Weaver (P.B. 1, PG. 151), City of Newport News, Virginia," made by Campbell Land Surveying, Inc. on February 27, 2019.

The Property has a common street address of 7202 Warwick Boulevard and is assigned Real Estate Assessor’s Tax I.D. # 278.00-04-17.

(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 occupancy of the banquet/function hall shall be limited to 300 maximum.
2. All banquet/function hall events shall end by 11:00 PM and the premises shall be vacated from 12:00 AM to 6:00 AM.

3. There shall be no outdoor storage on the property.

4. Signage shall be restricted to the existing monument sign. If the sign is to be replaced, the new sign shall be a monument style sign no taller than 8 feet measured from the curb to the highest point of the sign area structure. 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 prior to the issuance of a sign permit.

5. The existing building-mounted sign panel shall be removed and the facade repaired and re-painted as necessary. If new building signage is proposed, the design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

6. The portion of the building labeled “Storage” on the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4, which is attached hereto and made a part hereof, shall be utilized only for bulk storage incidental to the banquet/function hall use.

7. A class 2 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, identified as Appendix A-4, and shall conform to this conditional use permit, the City’s site regulations and the zoning ordinance.

8. The parking areas shall be striped in accordance with the site plan entitled “Banquet Facility” prepared by ARCI and dated February 5, 2019, identified as Appendix A-4, subject to modifications required for the class 2 site plan approval.

9. Sight lighting shall be shielded in a manner so as to direct lighting inward to the property and prevent glare onto adjacent properties or vehicular public rights-of-way.

10. Landscaping shall be installed along Warwick Boulevard and at the building entry area, subject to review and approval by the Director of Planning. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.
11. 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 that recording is made. The Equipment shall provide video 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.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 September 10, 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 Authorizing and Directing the City Manager to Execute a Deed of Temporary Easements to Hampton Roads Sanitation District (HRSD) on City-owned Property Located at 2200 Terminal Avenue and to Execute All Documents Necessary to Complete the Transaction

**ACTION:**

A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS, INCLUDING DEEDS AND AGREEMENTS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF A DEED OF TEMPORARY CONSTRUCTION AND ACCESS EASEMENT OVER CERTAIN CITY-OWNED PROPERTY LOCATED AT 2200 TERMINAL AVENUE, NEWPORT NEWS TO HAMPTON ROADS SANITATION DISTRICT.

**BACKGROUND:**

- The purpose of this authorization is to allow for the City Manager to authorize a temporary construction easement of property owned by the City of Newport News to the Hampton Roads Sanitation District.

- The land area of the first easement is approximately 3,207 square feet, and the second easement is 3,291 square feet, located at 2200 Terminal Avenue.

- The easements will be used for the construction of a sanitary force main between Terminal Avenue and Jefferson Avenue.

- The City Manager recommends approval.

**FISCAL IMPACT:**

- N/A

**ATTACHMENTS:**

- Memo to HCC re HRSD Temp Easements - 2200 Terminal Ave 9.4.19
- Attachment Location Map Terminal Avenue
- Auth Temp Construction & Access Easements
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: HRSD Temporary Construction Easements - 2200 Terminal Avenue

City Council is requested to adopt an ordinance authorizing the City Manager to execute any and all documents necessary for the granting of two temporary construction easements totaling 3,207 square and 3,291 square feet on the property located at 2200 Terminal Avenue. The easements will be used for the construction of a sanitary force main between Terminal Avenue and Jefferson Avenue.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:KBS:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering
City of Newport News
Temporary Construction Easement
2200 Terminal Avenue
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 ANY AND ALL DOCUMENTS, INCLUDING DEEDS AND AGREEMENTS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT OVER CERTAIN CITY OWNED PROPERTY AT 2200 TERMINAL AVENUE TO THE HAMPTON ROADS SANITATION DISTRICT.

WHEREAS, the City owns property located at 2200 Terminal Avenue ("the Property"), Tax ID No. 0312030101; and

WHEREAS, Hampton Roads Sanitation District ("HRSD") is requesting a temporary construction easement of 3,207 Square Feet/0.074 Acre and a temporary access easement of 3,291 Square Feet/0.076 Acre ("the Easements") as shown on a plat entitled "Plat Showing Variable Width Temporary Construction Easement and Temporary Access Easement To Be Acquired From the City of Newport News, Virginia, By Hampton Roads Sanitation District", attached as Exhibit A; and

WHEREAS, HRSD needs the Easements to facilitate a project for the design, repair and replacement of pipes, pumps and associated facilities that are reaching the end of the estimated serviceable life, as required by a consent order with the Department of Environmental Quality; and

WHEREAS, work on the project shall commence on or about July 1, 2019 and be completed by June 30, 2020, at which time the Easements shall cease;

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

1. That it desires to, and hereby does, authorize and direct the City Manager to execute and the City Clerk to attest on behalf of the City of Newport News, Virginia, any and all deeds, documents and agreements necessary to effectuate the conveyance of the temporary easement interests in City owned Property to HRSD; provided that all such documents shall either be prepared by or reviewed by the City Attorney before their execution.

2. That the Property shall be conveyed to HRSD for no consideration; and

3. That this ordinance shall be in effect on and after the date of adoption, September 10, 2019
PROJECT PARCEL NO. TO003
PROPERTY OF: CITY OF NEWPORT NEWS
PROPERTY ADDRESS: 2203 TERMINAL AVENUE
OWNER ADDRESS: 2400 WASHINGTON AVENUE NEWPORT NEWS, VA 23607
TAX ID #: 3120301C1

NOTES:
1. MERIDIAN SOURCE WAS BASED ON VIRGINIA STATE PLANE COORDINATES SYSTEM, SOUTH ZONE NAD83(2007), COORDINATE VALUES ARE SHOWN IN U.S. SURVEY FEET.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL EASEMENTS OR PROPERTY REFERENCES THAT AFFECT THIS PROPERTY.
3. THIS PLAT IS FOR EASEMENT ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. PARCEL AREAS SHOWN ARE APPROXIMATE AND BASED ON PLATS AND DEEDS OF RECORD, OR CITY TAX RECORDS AND ARE APPROXIMATE IN NATURE.

AREA TABLE

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<thead>
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<th>VARIABLE WIDTH TEMPORARY HIRD ACCESS EASEMENT</th>
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<td>1.490</td>
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PLAT SHOWING VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT AND TEMPORARY ACCESS EASEMENT TO BE ACQUIRED FROM CITY OF NEWPORT NEWS BY HAMPTON ROADS SANITATION DISTRICT NEWPORT NEWS, VIRGINIA DATE: FEBRUARY 7, 2019

ROUSE-SIRINE ASSOCIATES, LTD.
LAND SURVEYORS, MAPPING CONSULTANTS & Q.E.S. QUALITY ENHANCED, LTD.
www.rouse-sirine.com
331 OFFICE SQUARE DRIVE
331 LAMONT ROAD
VIRGINIA BEACH, VIRGINIA 23462
TELEPHONE 757-539-8000
FAX 757-539-9191
WILLIAMSBURG, VIRGINIA 23185
TELEPHONE 757-983-8183
FAX 757-983-8199

J.O. #13583 ACADEMIC PARCEL TO003.dwg

SHEET 1 OF 4
PLAT SHOWING VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT AND TEMPORARY ACCESS EASEMENT TO BE ACQUIRED FROM CITY OF NEWPORT NEWS BY HAMPTON ROADS SANITATION DISTRICT NEWPORT NEWS, VIRGINIA SCALE: 1"=20' DATE: FEBRUARY 7, 2019

PROPERTY OF CITY OF NEWPORT NEWS (D.B. 1045, P. 849) (D.B. 1046, P. 321) (P.B. 1, P. 3) TAX ID 312030101

CURVE TABLE

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<th>TANGENT</th>
<th>CHORD</th>
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<td>12° 56' 36&quot;</td>
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<td>5.10'</td>
<td>10.14'</td>
<td>N21°11'36&quot;W</td>
</tr>
<tr>
<td>C3</td>
<td>25.00'</td>
<td>24°13'47&quot;</td>
<td>10.57'</td>
<td>6.37'</td>
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<td>S15°33'01&quot;E</td>
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J.O. #13583 ACAD:PARCEL T003.dwg
E. Public Hearings

4. Ordinance Authorizing the Conveyance of a Surplus City-Owned Undeveloped Parcel, Located at 714 South Avenue and Authorizing the City Manager to Execute Any Documents Necessary to Effectuate the Conveyance

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A SURPLUS CITY-OWNED UNDEVELOPED PARCEL LOCATED AT 714 SOUTH AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE CONVEYANCE.

BACKGROUND: • Approval is sought for the conveyance of a surplus, City-owned undeveloped parcel identified as 714 South Avenue to Amayas Framing, Inc.

• Amayas Framing, Inc. plans to construct an approximately 1,500 square foot single-family residence on the property, in accordance with all applicable City and state codes and regulations.

• The potential sale has been circulated for interdepartmental review, to which no objections to the conveyance were noted.

FISCAL IMPACT: • The purchase price of the 60x100 foot lot is the current City-assessed value of $35,000.

• The City Manager recommends approval.

ATTACHMENTS:
Description
Memo to HCC re 714 South Avenue Conveyance 9.4.19
Attachment: Aerial Map
Auth Conveyance of 714 South Ave-Amayas Framing
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conveyance of Surplus City-owned Property – 714 South Avenue

Council action is requested to approve the conveyance of an undeveloped City-owned parcel located at 714 South Avenue, as shown on the attached map. A request has been received from The Amayas Framing, Inc. (Amayas) to acquire the 60-foot x 100-foot lot to construct an approximately 1,500-square-foot single-family residence on the property, in accordance with all applicable City and state codes and regulations. Amayas has agreed to pay the City-assessed value of $35,000 for the lot.

The potential sale has been circulated for interdepartmental review, to which no objections to the conveyance were noted. The potential purchaser has been made aware of issues brought forth as a result of the review, such as the need for a subsequent boundary vacation plat to extinguish an internal lot line, that there is not an existing water meter associated with the lot, and that combining the lot with any abutting lots will not be feasible under current zoning guidelines.

I recommend Council approve the Ordinance, authorizing the conveyance of this surplus City-owned parcel located at 714 South Avenue, as outlined above, and authorizing the City Manager to execute any documents necessary to effectuate the transaction.

Cynthia D. Rohlf

CDR:FGK:tcf

Attachment

cc: Florence G. Kingston, Director, Department of Development
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for floodplain determination.
AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE AMAYAS FRAMING INC.

WHEREAS, the City Manager has recommended that certain City owned property be conveyed to The Amayas Framing Inc.; and

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

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

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

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>ADDRESS</th>
<th>LEGAL DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>301.0302-52</td>
<td>714 South Avenue</td>
<td>Lots 7 &amp; 8, Block 32</td>
</tr>
</tbody>
</table>

2. That the sale price of the property to be conveyed shall be THIRTY-FIVE THOUSAND DOLLARS ($35,000.00).

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

1. Minutes of Work Session for August 13, 2019

**ACTION:**  
• N/A

**BACKGROUND:**  
• N/A

**FISCAL IMPACT:**  
• N/A

**ATTACHMENTS:**

Description
Minutes of Work Session for August 13, 2019
MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
August 13, 2019
4:15 p.m.

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

ABSENT: None

OTHERS PRESENT: Cynthia D. Rohlf; Collins L. Owens; Mabel Washington Jenkins; Joye Thompkins; Darlene Bradberry; Lisa Cipriano; Cory Cloud; Constantinos Velissarios; Natale Christian; Sherry Hunt; Denise Newlon; Lisa Hogge; Daphne Cunningham; Chief Steve Drew, Eric D. Randall; Michael T. Hudgins, Shelia McAllister; Susan Goodwin; Florence Kingston; Matthew E. Johnson; Mallory Butler; Marc Rodgers; Elizabeth McCoury; Venneria Thomas; Sonia Alcantara-Antoine; Louis Martinez; Frank James; Craig Galant; Everett Skipper; Jannie Bazemore; Mary Vause; Alan Archer; David Freeman; Ralph Clayton; Cleder Jones; Kim Lee; Eoghan Miller; Lora Graham; Zina Middleton; and Josh Reyes

I. Hampton-Newport News Community Services Board (H-NNCSB) State Fiscal Year 2020 – 2021 Performance Contract Briefing

Ms. Cynthia Rohlf, City Manager, introduced Ms. Natale Christian, Executive Director, and Ms. Denise Newlon, Chief Financial Officer, Hampton-Newport News Community Services Board (H-NNCSB), to provide the FY 2020 Performance Contract Briefing (a copy of the presentation “Hampton-Newport News Community Services Board - State Fiscal Year 2020 Budget/Performance Contract Review,” is attached and made a part of these minutes).

Ms. Christian introduced members of the Leadership Team which included Ms. Lisa Hogge, Youth and Family Services Director; Ms. Daphne Cunningham, Deputy Executive Director; Ms. Sherry Hunt, Communications and Business Development Director, and Ms. Venneria Thomas, Vice-Chair, Board of Directors.

Ms. Christian stated the H-NNCSB’s State Fiscal Year 2020 Budget and Performance Contract described CSB’s commitment with the Department of Behavioral Health and Developmental Services (DBHDS) to the citizens of Newport News and Hampton. She stated
the budget required formal approval of the H-NNCSB Board of Directors and the City Councils of the Cities of Newport News and Hampton.

Ms. Christian advised that the H-NNCSB strategic commitment was to continue to provide premier behavioral health care and intellectual and developmental disability services, as well as to be recognized throughout Virginia for its leadership, excellence, and commitment to citizens of the Cities of Newport News and Hampton. The H-NNCSB was required, by the Code of Virginia, to provide individuals with behavioral health care and intellectual and developmental disability services.

Ms. Christian stated the H-NNCSB provided a Comprehensive System of Care which included approximately 90 programs. She stated that the H-NNCSB was committed to serve the Hampton Roads community and noted the percentage of residents served by locality and disability in FY 2018:

- **Locality**
  - Newport News 38%
  - Hampton 41%
  - Other (Regional) 21%

- **Disability**
  - Mental Health 75%
  - Substance Abuse 17%
  - Developmental Disabilities 8%

Ms. Christian indicated that H-NNCSB had provided services to over 16,000 individuals in the following categories:

- Mental Health 12,491
- Substance Use Disorders 2,769
- Developmental Disabilities 1,380

Ms. Christian stated H-NNCSB offered a number of Comprehensive Systems of Care that included:

- Prevention & Early Intervention
  - Early Intervention Services
  - Parenting Resources and Support Groups
  - After-School & Recreational Programs
• Substance Abuse Prevention
  o Educational Services
  o Mentorship
  o Healthy Families

• Community Based Outpatient Services
  o Case Management
  o Individual and Family Counseling
  o Emergency Services
  o PACT
  o Partners in Recovery
  o Mobile Crisis – Children & Adult
  o Medications Management
  o Comprehensive Outpatient Services
  o Peer Recovery Services
  o Medication Assisted Treatment (MAT)
  o Homeless Services
  o Drug Court
  o Juvenile Justice
  o Re-Entry & Jail Based Services
  o Virginia Veteran and Family Support
  o VA Choice Program
  o Behavioral Health Docket

• Day Support & Treatment
  o Creative Options – DD
  o Psychosocial Day Program
  o Deaf Services
  o Therapeutic Day Treatment

• Residential Assistance
  o Southeast Family Project
  o Waiver Group Homes
  o ICF – DD
  o MH Supervised Residential
  o Supported Living
  o MH Crisis Stabilization
  o Permanent Supportive Housing

• Acute Inpatient Services
LIPOS (Inpatient Purchase)
Inpatient Psychiatry
Psychiatric Consultation and Liaison

• Integrated Care
  SEVHS Primary Care
  Genoa Pharmacy

Councilwoman Cherry inquired about the location of the Southeastern Family Project and what the program offered. Ms. Christian replied the Southeastern Family Project was a residential program for pregnant women with addiction problems. The facility was located on Terminal Avenue which was given to H-NNCSB by the City. She offered City Council a tour of the facility and to provide additional details about the program.

H-NNCSB was one of the premier employers on the Peninsula and provided approximately $45.5 million in staff salaries and benefits.

Ms. Christian stated H-NNCSB hired the best employees for the job which included:

• 879 Total Workforce
  710 Full-Time
  136 Part-Time
  23 On-Call
  10 Interns and Volunteers

• Clinical Staff
  9 Full-Time and Part-Time Psychiatrists
  3 Part-Time Primary Care Physicians
  4 Full and Part-Time Licensed Nurse Practitioners
  14 Full and Part-Time LCSWs
  3 Full-Time LCPs
  25 Full and Part-Time LPCs
  11 Full and Part-Time RNs
  25 Full and Part-Time LPNs
  22 Full-Time CSACs
Ms. Christian stated the H-NNCSB strategically provided Therapeutic Day Treatment (TDT) and other services in each school in Newport News and Hampton. She stated TDT was a Medicaid provided service at no cost to schools.

Ms. Christian reiterated that H-NNCSB strategically placed the following services:

- H-NNCSB provided Therapeutic Day Treatment (TDT) to students in each school in Newport News City Schools and had expanded to include Case Management Services.
- H-NNCSB partnered with the Southeastern Virginia Health System (SEVHS) to offer integrated primary health and behavioral health services on-site and Genoa to provide an on-site pharmacy
- H-NNCSB offered full continuum of Juvenile Services – including Juvenile Drug Court, Clinical Services, and Juvenile Detention
- H-NNCSB trained Newport News First Responders through Crisis Intervention Training (CIT)
- H-NNCSB offered a full array of housing options from homelessness to permanent supported housing to integrated housing
- H-NNCSB partnered with NN Health Families for Case Management
- H-NNCSB administered the NN Drug Court and Behavioral dockets
- H-NNCSB provided Emergency and Crisis Intervention, Mobile Crisis Services and Crisis Stabilization
- H-NNCSB continued to provide uncompensated services to Newport News residents without third party payers

Councilwoman Cherry questioned the benefits of the outpatient TDT for the youth that received those services. Ms. Christian replied that the outpatient TDT were for individuals who did not qualify for the TDT, but could also be for an individual who had maximized their insurance for TDT. The benefit and goal to assist individuals in need of behavioral health services, step-out of the classroom to get supportive counseling and re-enter the classroom, which provided an opportunity to deal with those concerns on-site (out of the classroom – in the school). She shared that intensive counseling, psychiatry, ongoing and family therapy needs were available at the H-NNCSB not in the schools.

Councilwoman Woodbury questioned whether H-NNCSB provided TDT or whether those services were contracted out. Ms. Christian replied that H-NNCSB provided the TDT services with approximately 55 Therapists on staff in Newport News schools.
Ms. Christian offered the following information on the Annual Operating Budget and Performance Contract:

- Parties: H-NNCSB and the Department of Behavioral Health and Development (DBHDS)
- Described H-NNCSB commitment to:
  - The individuals served
  - Cities of Newport News and Hampton
- Primary accountability and funding mechanism between H-NNCSB and DBHDS
- Budget requirements formally approved by the H-NNCSB Board of Directors and the City Councils of Newport News and Hampton

Ms. Christian stated that the State increased Behavioral Health funding in FY 2020. She thanked City Council for their continued support.

Ms. Christian introduced Ms. Denise Newlon, Chief Financial Officer, H-NNCSB, to continue the presentation. Ms. Newlon noted the following as H-NNCSB Annual Operating Budget and Budget Principles:

- Budget required formal approval of the HNNCSB Board of Directors
- Budget required formal approval of the cities of Hampton and Newport News
- Programs should be self-supporting, maximizing earned revenue
- Programs should economically and efficiently apply capital, human and support resources, and eliminate or reduce expenses where possible
- State and local funds and excess program revenue supports services for individuals with no payer source
- Programs/services were monitored and right sized to assure that there was sufficient revenue to cover the cost of services

Ms. Newlon noted the budget environment for the FY 2020 Performance Contract:

- Expenditures
  - Cost Growth — Compensation and Expenses
  - Revenue
  - Reduction in MH State General Funds
  - Trend of decreased fee revenue
  - STEP VA Initiatives
  - Grant opportunities for ARTS
Cash Flow
  Operating Reserves
  Generally zero growth in third party reimbursement rates
  Medicaid Expansion

The Bottom Line
  Declining Operating Margins

Ms. Newlon noted the five (5) items to be considered in the budget assumptions for the FY 2020 Performance Contract:

- Strategic Plan Initiatives
- Staff Compensation
- Program Revenue
- Operating Expenses and Investments
- Other Unfunded Needs

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Budget Strategic Plan Initiatives as follows:

- Increased Workforce Development (Recruitment, Retention and Training)
  - Implementation of STEP VA initiatives to increase access to care
    1. Continuation of Same Day Access (Rapid Access)
    2. Primary care screenings – Nursing Component
    3. Enhancement of Outpatient Treatment
    4. Crisis Services
    5. Psychiatric Rehabilitation
    6. Targeted Case Management
    7. Care Coordination
    8. Peer Supports
    9. Intensive, Community-Based Mental Health Care for members of the armed services and veterans
    10. Person-Centered Treatment Planning
  - Continue Outcome Measurement and Best Practice Development based on data driven decisions

Councilwoman Woodbury inquired about STEP VA, what type of program and what services were provided. Ms. Newlon replied STEP VA was an initiative called 9 + 1 for services that CSBs had to provide. It was a program implemented for all 40 CSBs across the State
to standardize services to ensure that all of the same services were afforded throughout the state. There were nine (9) core services that CSBs had to operate, and H-NNCSB was working toward the implementation of those services. Ms. Christian noted that CSBs were mandated by the Code of Virginia to provide the remaining steps of STEP VA by 2021 through the SJ47 Joint Subcommittee to Study Mental Health Services in the 21st Century. She shared that H-NNCSB was working on the first three (3) steps and working on the fourth step.

Councilwoman Cherry inquired about the decrease in funding from the State, but the State added an unfunded mandate for some of the STEP VA services. Ms. Newlon replied that was correct; it was an unfunded mandate because H-NNCSB did not receive total funding to implement some of the programs. Ms. Christian indicated some funding had been provided for each step but not adequate.

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Budget highlights as follows:

- **Staff Compensation**
  - Inability to fund a Cost of Living Salary Increase or continue second phase of the compensation study for FY2020 based on the current funding
  - Revisit employee compensation, if funding changes
  - Limit payroll lag to 2%

- **Fringe Benefits**
  - Maintain current health insurance rates with no increase to employees for the 3rd year.
  - Continue to re-evaluate health insurance to balance required savings with staff impact
  - VRS Long Term Care Plan – participate in new VRS long-term care plan as an additional benefit to employees.

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Budget Program Revenue as follows:

- **Program Review**
  - Conducted stringent program review to consider program priorities, relative effectiveness and operational efficiency.

- **Assume Level Federal and Local Funding**
- **State Revenue**
  - Reduction of Mental Health State General Funds of $1.3 million
  - Medicaid Expansion –
    - Utilize DMAS data exchange to identify current Medicaid Expansion enrollees
    - Pursue additional revenue through Medicaid Expansion
  - Increase in Permanent Supportive Housing funds - $806,452
  - STEP VA Initiatives
    - Additional Funding for Primary Care Screenings - $329,025
    - Additional Funding to increase access to Outpatient Treatment - $198,656
    - Continued Funding for Same Day Access (Rapid Access) - $247,500
    - Balance insufficient funding with actual costs to implement the initiative

Ms. Christian noted the additional funding received by H-NNCSB was specific for STEP VA, the State general grant fund in the amount of $1.3 million was reduced with the anticipation that it would be made up in Medicaid revenue, which was not the case. She indicated the funds were decreased before there was an opportunity to earn revenue.

Vice Mayor Vick inquired whether the primary care screening required a certain number of screenings. Ms. Christian replied there was a requirement based on an individual’s mental health diagnosis or serious mental illness. There was certain criteria for which the clinic had to screen. H-NNCSB agreed with those criteria as was why they had a partnership with SEVHS to address both the physical and mental health at the same time; however, the level of details that the State required took time from all involved (R.N., Case Managers, etc.) and that took away from what H-NNCSB staff were doing. H-NNCSB was able to hire additional nurses at each clinic with the $329,025 funding received.

- **ARTS Initiatives**
  - State Opioid Response (SOR) Grant – Funding for consumers in Office Based Opioid Treatment (OBOT)
  - Substance Abuse and Mental Health Services Administration (SAMHSA)
    - Funding for consumers in treatment at our Methadone Clinic

Ms. Christian shared that H-NNCSB had received several grants from both State and Federal to enhance the opioid services, to eliminate waiting lists and included better access to services.
Councilwoman Woodbury indicated she thought that H-NNCSB had received additional money from the State for Opioid Response. Ms. Christian replied that N-NNCSB received additional funding, which was helpful and allowed for no waiting list.

Councilwoman Cherry questioned how individuals gained access to the methadone clinic. Ms. Christian replied there was a screening process and individuals could walk-in or be referred to either of the two locations.

- **Closure of Supportive Living Program**
  - We have had limited growth in the program based on various treatment opportunities in the community, eight (8) individuals linked to other providers. Staff transitioned to other programs within the agency

- **Restructuring Therapeutic Day Treatment Program (TDT)**
  - Newport News TDT –
    - Enhance Case Management services within the schools
    - Pilot Outpatient Services within two (20 schools)
    - Provide consultation only to schools with limited TDT referrals & enrollment

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Budget Operating Expenses and Investments as follows:

- **Operating Reserve**
  - Inability to fund additional operating reserve at this time due to funding constraints and state general funds reduction. Operating reserve balance was $2,022,566.

- **Maintain line of credit; however, line of credit had not been utilized since October 2014**

- **Maintained vehicle fleet and acquired/replaced nine (9) vehicles (7 year life)**
  - Maintain reserves for healthcare expenses.

- **Fund necessary facilities maintenance**
- **Maintain IT infrastructure:**
  - Explored cloud based services and potential upgrade to Electronic Health Record system.

Ms. Newlon noted the other unfunded needs of the FY 2020 H-NNCSB Performance Contract:
- Ongoing expenses related to the administration of the Regional Crisis Stabilization Program
- Response to State Initiatives regarding hospital discharge
- Sustaining programs where the costs exceed the reimbursement rate
- Explore an upgrade to our Electronic Health Record
- Capital requirements for Vehicles, Equipment and other Building repairs

Ms. Newlon shared the changes in State, Federal, Local and Earned Revenue in the FY 2020 H-NNCSB Performance Contract as follows:

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<th>Revenue by Source</th>
<th>FY2019</th>
<th>FY2020</th>
<th>Change</th>
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<tr>
<td>State **</td>
<td>$22,172,209</td>
<td>$23,436,567</td>
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<td>Federal</td>
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<td>Local</td>
<td>$3,268,185</td>
<td>$3,347,593</td>
<td>$79,408</td>
</tr>
<tr>
<td>Fee</td>
<td>$33,727,581</td>
<td>$33,066,999</td>
<td>($660,582)</td>
</tr>
<tr>
<td>Other</td>
<td>$2,185,765</td>
<td>$1,878,920</td>
<td>($306,845)</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$65,203,351</td>
<td>$66,188,690</td>
<td>$985,339</td>
</tr>
</tbody>
</table>

**State revenue increased in FY 2020 due to increased deferred state revenue, STEP VA funding and additional housing funds. However State General funds decreased overall by $1.3 million due to Medicaid Expansion.**

Ms. Newlon noted the Program Expenses Comparison in the FY 2020 H-NNCSB Performance Contract as follows:

<table>
<thead>
<tr>
<th>Program Expenses</th>
<th>FY2019</th>
<th>FY2020</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crisis Services</td>
<td>$5,534,225</td>
<td>$4,934,804</td>
<td>($599,421)</td>
</tr>
<tr>
<td>Adult MH Therapy/Medication</td>
<td>$4,860,227</td>
<td>$5,246,763</td>
<td>$386,536</td>
</tr>
<tr>
<td>Children's Therapy/Medication</td>
<td>$2,780,618</td>
<td>$2,773,111</td>
<td>($7,507)</td>
</tr>
<tr>
<td>SA Outpatient</td>
<td>$3,982,609</td>
<td>$5,089,176</td>
<td>$1,106,567</td>
</tr>
<tr>
<td>MH/SA Residential</td>
<td>$2,689,563</td>
<td>$2,817,214</td>
<td>$127,651</td>
</tr>
<tr>
<td>Prevention</td>
<td>$493,765</td>
<td>$477,255</td>
<td>($16,510)</td>
</tr>
<tr>
<td>Case Management</td>
<td>$10,127,456</td>
<td>$10,339,061</td>
<td>$211,605</td>
</tr>
<tr>
<td>IDDS Day</td>
<td>$2,567,320</td>
<td>$2,448,571</td>
<td>($118,749)</td>
</tr>
<tr>
<td>MH Day</td>
<td>$9,294,496</td>
<td>$6,918,328</td>
<td>($2,376,168)</td>
</tr>
<tr>
<td>IDDS Residential</td>
<td>$9,030,388</td>
<td>$9,193,169</td>
<td>$162,781</td>
</tr>
<tr>
<td>Consumer Support Services</td>
<td>$7,222,355</td>
<td>$8,798,366</td>
<td>$1,574,011</td>
</tr>
<tr>
<td>Contracted Physician Services</td>
<td>$219,043</td>
<td>$156,252</td>
<td>($62,791)</td>
</tr>
<tr>
<td>Regional Programs</td>
<td>$6,401,286</td>
<td>$6,998,620</td>
<td>$597,334</td>
</tr>
<tr>
<td>Total Program Activities</td>
<td>$65,203,351</td>
<td>$66,188,690</td>
<td>$985,339</td>
</tr>
</tbody>
</table>
Ms. Newlon noted the Budget Summary in the FY 2020 H-NNCSB Performance Contract as follows:

<table>
<thead>
<tr>
<th>Revenue by Source</th>
<th>Amount</th>
<th>Expenses by Program Activity</th>
<th>Amount</th>
<th>Expenses by Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>$23,436,567</td>
<td>Crisis Services</td>
<td>$4,934,804</td>
<td>Personnel</td>
<td>$44,947,137</td>
</tr>
<tr>
<td>Federal</td>
<td>$4,458,611</td>
<td>Adult MH Therapy/Medication</td>
<td>$5,246,763</td>
<td>Staff Development</td>
<td>$239,723</td>
</tr>
<tr>
<td>Local</td>
<td>$3,347,593</td>
<td>Children's Therapy/Medication</td>
<td>$2,773,111</td>
<td>Facilities</td>
<td>$4,882,002</td>
</tr>
<tr>
<td>Fee</td>
<td>$33,066,899</td>
<td>Adult SA Outpatient</td>
<td>$5,089,176</td>
<td>Equipment</td>
<td>$3,086,290</td>
</tr>
<tr>
<td>Other</td>
<td>$1,879,920</td>
<td>MH/SA Residential</td>
<td>$2,817,214</td>
<td>Travel</td>
<td>$536,735</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prevention/Early Intervention</td>
<td>$477,255</td>
<td>Consultant</td>
<td>$6,372,064</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Case Management</td>
<td>$10,339,061</td>
<td>Client Support</td>
<td>$3,142,239</td>
</tr>
<tr>
<td></td>
<td></td>
<td>IDDS Day</td>
<td>$2,448,571</td>
<td>Family Support</td>
<td>$14,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MH Day</td>
<td>$6,918,328</td>
<td>Contract Programs</td>
<td>$2,399,291</td>
</tr>
<tr>
<td></td>
<td></td>
<td>IDDS Residential</td>
<td>$9,193,169</td>
<td>Miscellaneous</td>
<td>$557,191</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consumer Support Services</td>
<td>$8,796,366</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contracted Physician Service</td>
<td>$158,252</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Regional Programs</td>
<td>$6,988,620</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Revenue: $66,188,690
Total Program Expense: $66,188,690
Total Expense: $66,188,690

Ms. Newlon reiterated that H-NNCSB was fee driven and offered a summary of the H-NNCSB FY 2020 Performance Contract Core Programs Revenue by Source:

- Fees 58% $32,345,990
- State 25% $14,038,846
- Federal 8% $4,458,611
- Local 6% $3,347,593
- Other 3% $1,878,920

Councilwoman Woodbury questioned what "other" was in the Core Programs Revenue. Ms. Newlon replied from contractual relationships, but the H-NNCSB provided services for other organizations.

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Program Activities as follows:

- Case Management 15.6%
- IDDS Residential 13.9%
- Consumer Support 13.3%
- Mental Health Day 13%
- Regional Programs 10.6%
- Adult Mental Health 7.9%
- Substance Abuse Outpatient 7.7%
- Crisis Services 7.5%
MH/SA Residential  4.3%
Children’s Services  4.2%
IDDS Day  3.7%
Prevention  0.7%
Contracted Services  0.2%

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Expense Comparison by Category as follows:

<table>
<thead>
<tr>
<th>Expenses by Category</th>
<th>FY2019</th>
<th>FY2020</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>$45,520,963</td>
<td>$44,947,137</td>
<td>$(573,826)</td>
</tr>
<tr>
<td>Staff Development</td>
<td>$290,629</td>
<td>$239,723</td>
<td>$(50,906)</td>
</tr>
<tr>
<td>Facilities</td>
<td>$4,493,474</td>
<td>$4,882,002</td>
<td>$388,528</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,961,832</td>
<td>$3,086,290</td>
<td>$124,458</td>
</tr>
<tr>
<td>Travel</td>
<td>$533,566</td>
<td>$538,733</td>
<td>$5,167</td>
</tr>
<tr>
<td>Contractual</td>
<td>$5,915,594</td>
<td>$6,372,084</td>
<td>$456,490</td>
</tr>
<tr>
<td>Client Support</td>
<td>$1,623,987</td>
<td>$3,142,239</td>
<td>$1,518,252</td>
</tr>
<tr>
<td>Family Support</td>
<td>$25,000</td>
<td>$14,000</td>
<td>$(11,000)</td>
</tr>
<tr>
<td>Program Expense</td>
<td>$3,511,855</td>
<td>$2,399,291</td>
<td>$(1,112,564)</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$326,451</td>
<td>$567,191</td>
<td>$240,740</td>
</tr>
<tr>
<td><strong>Total Expense</strong></td>
<td><strong>$65,203,351</strong></td>
<td><strong>$66,188,690</strong></td>
<td><strong>$985,339</strong></td>
</tr>
</tbody>
</table>

Ms. Newlon noted the FY 2020 H-NNCSB Performance Contract Elements of Personnel Expenses as follows:

Salaries and Wages  77.9%  $34,994,403
Taxes  6.1%  $2,757,667
Health  11%  $4,935,043
Other Fringe Benefits  2.49%  $1,135,067
Disability & Life  0.7%  $327,997
Virginia Retirement System  1.3%  $570,716
Workers Compensation  0.5%  $226,244

Ms. Newlon noted the concerning budget and Environment Trends/Challenges for the FY 2020 Performance Contract as follows:

- Declines in fee revenue based on regulatory guidelines, stagnant rates and fee structure changes. With the implementation of the seven (7) Managed Care Organization (MCO) plans, there had been a decrease in approved
authorizations and authorized units, resulting in decrease of services rendered and revenue earned.

- Recent changes in the operating environment have highlighted the importance of recruiting and retaining licensed and credential-able clinical staff including QMHPs (Qualified Mental Health Professionals) and CSACs (Certified Substance Abuse Counselors)
- Maintaining competitive salaries and benefits within the field
- State General Funds reduction related to Medicaid Expansion
- Continued focus on Eastern State Hospital Census Reduction
- Rapid implementation of STEP VA initiatives
- Continued focus on the Opioid Crisis

Councilwoman Woodbury inquired about the number of individuals at Eastern State Hospital (ESH). Ms. Newlon replied there were approximately 300 individuals at ESH which was 100% of its bed uses.

Ms. Christian shared, in addition to the challenges with the FY 2020 Performance Contract, was the inability to give a COLA to the employees as H-NNCSB had done for the past five (5) years. H-NNCSB would continue to monitor and continue to review ways to give a cost of living increase or bonus to staff.

Ms. Christian shared the budget summary for the FY 2020 Performance Contract:

- The FY2020 budget maintains high quality community programs that are responsive to our communities within available funds.
- The FY2020 budget continues to balance the fiscal constraints of the agency along with the service delivery model of the State.
- The FY2020 budget continues stewardship of public resources by providing effective and efficient services in a challenging financial environment.

Ms. Christian offered a summary of the H-NNCSB FY 2020 Budget:

- Maintained high quality community programs that were responsive to communities within available funds
- Continued to improve the financial health of the H-NNCSB and recognized changes to service delivery models
- Continued stewardship of public resources by providing effective and efficient services in a challenging financial environment
Ms. Christian noted the following challenges concerning the budget and environment trends:

- A decline in fee revenue based on regulatory and fee structure changes, as well as a decrease in referrals
- Recent changes in the operating environment have highlighted the importance of recruiting and retaining licensed and credential-able clinical staff including Qualified Mental Health Professions and Certified Substance Abuse Counselors
- To ensure that its salaries remain competitive within the field
- Effects of Medicaid Expansion on State General Funds
- Increase in the Aging Population
- Continued focus on Eastern State Hospital Census Reduction
- Focus on the implementation of Same Day Access Mental Health Screen Services model to increase access to care
- Focus on the Opioid Crisis

Ms. Newlon respectfully requested, on behalf of the H-NNCSB Board of Directors and staff, that the City Council approve the H-NNCSB FY 2020 Budget, Performance Contract, to ensure compliance with the State Performance Contract.

Mayor Price indicated that the Department of Medical Assistance Services (DMAS) had a new Medical Director who would hopefully be able to assist. Ms. Christian replied yes; DMAS had a new Medical Director and most of the concerns shared across the 40 CSBs and Virginia CSB met regularly with DMAS and its Medical Director, along with the Department of Behavioral Health Services to keep good communication about the concerns and problems along with ways to resolve some of those concerns. She advised that DMAS and Department of Behavioral Health Services were aware of the concerns and indicated they were working on the concerns of the CSBs.

Councilman Harris inquired about the TDT program, did H-NNCSB have access to the data from the schools such as disciplinary referrals and number of students that were seen, because of the reduction at two (2) of the schools based on limited enrollment. Ms. Christian replied that the data was accessed from the H-NNCSB, but CSB not have access to the school’s data. She advised that H-NNCSB had spoken with Dr. Parker, Superintendent of Schools, about getting access to other data such as disciplinary actions. Without reports from teachers or administration, both parties questioned whether the right students were being seen. H-NNCSB were looking at ways to get that important data from the schools and streamline the process, in order to get better results. H-NNCSB got the referral, screened the children based on the criteria for TDT that were set by DMAS and the family’s willingness for the child to be involved. All of the data for the treatment side was accessible, but what happened on the school’s side was not
accessible, except for a possible report from a teacher. Councilman Harris questioned whether the report from the teacher showed or gave any indication of the effectiveness. Ms. Christian replied yes, but not in an outcome data way. The supervisors and counselors were in communication with the teachers, and counselors sometimes sat in the classroom, monitored and observed the student’s behavior, but it was important to find a way to wed the treatment information with the school data. Ms. Lisa Hogge, Director, Youth and Family Services, advised that Dr. Parker had pledged to work with H-NNCSB and share school information (i.e. achievement performance and disciplinary information) to use that information in a meaningful way and prepare student services and intervention. She shared that the STEP VA grant implementation would assist with assessments and a number of programs could be made available.

Vice Mayor Vick indicated the release form signed by the parents used to be simple. She questioned whether the release forms were more complicated, in order to obtain information from the schools. Ms. Hogge replied there was not a variable to look at who was enrolling in school. Ms. Christian indicated the H-NNCSB needed to look at school by school. It would help to be able to see who was most at-risk. The TDT could work for an individual with Medicaid based on the funding, to work with the school in a broader way and could help with intervention and an array of other services whether the services were provided by H-NNCSB or a community partner. To have a broader picture of what was happening in schools and working with the school administration would be a way to address the overall population. Councilwoman Cherry indicated that was a great idea and she was glad the H-NNCSB paused and restructured. She wondered the effectiveness of the TDT program, whether it was more effective than in-home services and agreed that H-NNCSB should have more access to school data in order to provide more specific services needed for students. If those services could not be measured. She questioned what was being done. There had to be a measure and outcome and if TDT was not working, what changes were needed. She was glad that H-NNCSB was working with Dr. Parker. Ms. Christian replied that with SJ47 STEP VA everything was outcome driven, everything had metrics and reporting requirements demonstrated the outcome and effectiveness.

City Manager Rohlf reminded City Council that the H-NNCSB FY 2020 Budget, Performance Contract, would appear on the September 10, 2019 Regular City Council meeting agenda for action.

II. Police Department Crime Update

City Manager Rohlf introduced Chief Steve Drew, Newport News Police Department, to provide information about citywide ongoing activities, reports and initiatives (a copy of the presentation “Newport News Police Department – August 13, 2019,” is attached and made a part of these minutes).
Chief Drew introduced Assistant Chief Michael T. Hudgins who was over Administration and Assistant Chief Eric D. Randall who was over Investigations.

Chief Steve Drew, Newport News Police Department (NNPD), advised that the Police Department saw a shift, and decrease, in crime as they continued to gain “momentum”. The NNPD had made progress and were making a difference in the communities in the City of Newport News.

Chief Drew advised, over the past five (5) years, the City had an average of 92 shootings each year, and averaged between 25 – 30 homicides each year, which was pretty consistent. There had to be change which was the reason for the restructure that reflected in the stats, and was paying off. It had to be evidence-based and support what was being done to show that the strategies were working effectively to change things in the City, both crime wise and with community relationships.

Chief Drew stated there had been a decrease in overall crime in the City. He noted from January 1, 2019 – August 11, 2019, citywide crimes were down by 10.1%; South Precinct crimes were down by 16.4% with the buy-ins of the citizens and taking the neighborhoods back, Central Precinct crimes were down by 10.8%; and North Precinct crimes were down by 3.1%. Changes were made, which included new leadership, more officers. New recruits had been placed in the North Precinct (see Newport News Police Department – August 13, 2019, presentation pages 2 – 6 attached and made a part of these minutes).

Vice Mayor Vick questioned why larceny was so high. Chief Drew replied that people left their car doors unlocked, people left laptops, iPads, cell phones, wallets, purses, play stations and other items of value in plain sight.

Chief Drew advised there had been 64 shooting victims in the City in 2018, and 42 shooting victims in 2019, which was a decrease of 34% in shooting victims in the City.

Chief Drew shared that 390 weapons were recovered in 2018, 490 weapons had been recovered in 2019, which was a 26% increase in weapons recovery in the City. He advised that a total of 659 weapons were recovered in 2018.

Chief Drew shared that Opioid related overdoses from January 1, 2019 – August 11, 2019, totaled 96, with nine (9) of those being fatal, which was an increase from 2018, which totaled 76 with 21 of those being fatal (see Newport News Police Department – August 13, 2019, presentation – pages 9 and 10 attached and made a part of these minutes).
Chief Drew advised that the decrease in fatal opioid overdoses in 2019 was due to quick response from Police, Fire and Rescue. The number of opioid overdoses for 2019 were those called into dispatch for Police. He believed that the numbers were considerably higher, but Police could account for what they were dispatched and responded too.

Mayor Price inquired about the statistics on repeated opioid overdoses. Chief Drew replied that was reviewed by the Narcotics Division, but they did not make arrests. There was a difference between how the City of Hampton handled opioid overdoses versus the City of Newport News. In Hampton, once the individual recovered at the hospital from an overdose, there would be an officer waiting to arrest that individual upon discharge. The individual would go to court, and the Judge would order treatment or jail time. In the City of Newport News, individuals were encouraged to seek treatment, but not forced or court ordered. Chief Drew shared that numbers were about the same in Hampton and Newport News; however, the City of Hampton repeat offenses were lower. Both Hampton and Newport News had the same Magistrate, and had an opportunity to talk with the Judges, and if an arrest was made, drug court would be offered.

Mayor Price advised that there was a push for citizens to be able to walk into a drug store and buy naloxone (narcan), but should that occur for someone who was addicted, they would repeat the cycle of overdosing and recovering. Chief Drew replied he would dare say there were some cases that individuals would call ahead of time, and indicate they were about to use heroin, and they knew they were about to overdose. The opioid overdoses were happening throughout the entire City.

Chief Drew advised during the reorganization and restructure the results were as follows:

- Street Units back in the precincts (HIP) – each street unit had six (6) Police Officers to deal with drug enforcement and firearms
- Robbery investigations – in the precincts
- Created Aggravated Assault Unit
- Increased Homicide Division / added cold case – Increased from 7 to 10 Officers
- Increase Forensic Technicians from 6 to 8 to speed up processing crime seen
- Community Youth & Outreach and added Outreach Workers
- New Direction for Narcotics / new location
- Creating a Traffic Division
- Sector Lieutenant concept
- Fully Staffed
Councilwoman Cherry questioned whether the communication in the community was any better with the Outreach Workers, or less, because those Outreach Workers worked with the Police Department. Chief Drew replied the Police Department needed to find a way to evaluate that in the three (3) neighborhoods (Marshall Ridley, Dresden Drive area – South Morrison, Courthouse Green). The Police Department and Outreach Workers were on the same page.

Councilwoman Scott inquired about what was being done at the Aqueduct Apartments as it had been a troublesome community for some time; and questioned whether additional patrols were out in that community. Chief Drew replied he was frustrated with Aqueduct Apartments as a lot of resources were put into the community. There were a few apartments that were the cause of many of the problems, and people were afraid to come forward. Captain Brandon Creswell was the new Captain for that area, and there were more patrols; he stated one could not go to Aqueduct Apartments and not see an Officer. It would be the next stop to distribute backpacks and needed to get youth involved in the community. The community was not willing to cooperate. The Police Department would try different strategies and focus on street level.

Chief Drew advised of new technology and additional strategies and initiatives as follows:

- 41 New Recruits
- National Integrated Ballistic Information Network (NIBIN)
- Automated Fingerprint Identification System (AFIS) – Full Time position needed
- Shot-Spotter was implemented and worked well
- Gray-Key – $15,000 device that had paid for itself – this device could encrypt cell phone data
- Upgrade Camera Room and Added Cameras (Helped with 150 arrest within the last 12 months in the Southeast Community alone)
- Training (Leadership, Investigations, and Autism)
- Freedom of Information Act (FOIA) Position
- Domestic Violence Coordinator – Best Practice
- Elementary School Partnership – There were 26 Elementary Schools and Early Learning Center in the City. Officers would be assigned to each schools and build a relationship with the principles of each school. Officers would be present at least 30 minutes out of the week, to see students get on and/or off the bus, walk the hallway, would have lunch with students and read to a class. It was important that students saw Police presence at the school.
Councilwoman Scott advised that the City had changed, and there were language barriers because of diversity. She questioned what was being done to combat those challenges. Chief Drew replied the Spanish speaking population had grown the most. Ten percent of each Academy Class would have to speak Spanish. Councilwoman Scott questioned whether there would be a Spanish speaking Officer at each Precinct. Chief Drew replied yes, there would be a Spanish speaking officer at each precinct. Councilwoman Cherry shared that there was a Hispanic Chaplain on staff and had been requested many occasions.

Councilman Harris inquired whether there were similar programs to DARE (Drug Abuse Resistance Education) that were available to address some of the challenges facing students today. Chief Drew replied there were programs available that would work in conjunction with other programs such as bullying and gun violence. The Police Department was working on a grant for a program, “What do you do if you find a gun, if you see a gun or hear about a gun”. Councilman Harris advised that schools had hotlines available for bullying and Counselors that addressed bullying, but nothing to discuss gun violence or gangs, especially at the elementary and middle school level. Chief Drew replied that there were no set programs to date, but would work to create a partnership, be creative to include counselors, and add a Police component, and work with school principals.

Vice Mayor Vick inquired about what was being done to curve domestic violence. Chief Drew replied that Domestic Violence Coordinators were being brought into the department in a proactive role. He shared that the Police Officers needed to reach young people, primarily females and middle and high school students during community events, pushing for awareness. He indicated there was a grant for the Domestic Violence Coordinator; however, whether the grant was awarded, the Police Department would still need to move forward.

III. Comments / Ideas / Suggestions

Councilwoman Cherry expressed concern that bulk trash/solid waste was not picked up in the 900 block of 12th Street on its scheduled day. City Manager Rohlf requested that Mr. Frank James, Interim Director, Department of Public Works (who was present at the meeting) and staff handle this matter.

Councilwoman Scott advised of citizen’s concerns about the grass cutting and trash in the North District. The on and off ramps were littered with trash. When the grass was cut, the trash would be cut-up with the grass and both the trash and dead grass would be left on top of the cut grass. The grass cutting procedures had changed since City Farm was no longer available. She indicated that something had to be done. City Manager Rohlf replied that she and staff were aware of the problems and concerns, and she advised that staff would make recommendations. The litter
problem on ramps was a VDOT issue, but because of limited resources, staff was also reviewing ways and resources to get the on ramps cleared of litter.

Councilwoman Scott advised that business owners should be held accountable for maintenance upkeep. She mentioned that employees traveled the routes throughout the City daily. That employees could make a report if any violation or issue was spotted. She shared that grass over a foot tall in any area of the City looked awful but was becoming more prevalent in the North end of the City. Councilwoman Scott shared that a business owner may cut their grass, but not the part over the other side of the sidewalk. She believed getting the City employees involved would be helpful. City Manager Rohlf replied that the City needed to do a better job at educating the business owners about their responsibility, as business owners were responsible for the upkeep of the grass out to the street. There was a former program called “Workers on Watch,” and there had been an interest to bring that program or similar program back. Councilwoman Scott advised that she would certainly assist in any way possible. Dropping letters, brochures or informational piece to encourage business owners would be helpful. She stated that businesses changed management, the original business owners may have been aware of the maintenance procedures, but the new business owner might not be aware of the maintenance procedures. City Manager Rohlf indicated that the City had received feedback from some of the shops in one of the shopping centers; they were no longer concerned about the appearance as it was the responsibility of the owners of the building. During community meetings or Denbigh Business Association meetings, she suggested those individuals to assist the City and get the word out. Councilwoman Scott advised that she appreciated anything that could be done to assist with this concern.

City Manager Rohlf advised that she and Mayor Price had been in discussion about the grandfathering of the signs. There were businesses that had closed but the sign remained; unfortunately, there was not much the City could do, which affected the appearance of the City. She shared that the Department of Planning would need to review the concern and make recommendations and would get the Department of Codes Compliance to assist.

Councilwoman Scott advised that the “Welcome to Newport News” where Newport News annexed from York County on Denbigh Boulevard was never moved after the Huntington Point started development/construction. The “Welcome to Newport News” sign needed to be moved back to the City’s property line. City Manager Rohlf replied that staff would look into the matter.

Councilwoman Cherry advised that after the discussion concerning the Harpersville Road project, she saw the Transportation Alternative Program for Nettles Drive Improvement Project on the August 13, 2019 City Council Agenda. She asked why that same program could not be used for the Bayberry neighborhood, because the sidewalk project had been pushed out to
the FY 2024 CIP. City Manager Rohlf advised that she had spoken to Mr. Everett Skipper, Director, Department of Engineering, because she knew that would be a concern and asked Mr. Skipper to give the explanation.

Mr. Skipper explained that funding for the Harpersville Road Project was requested in October, 2017, as an application to the Virginia Department of Transportation (VDOT) for the first available funding, which was a Highway Safety Improvement Grant under the Bicycle and Pedestrian Safety Program. He advised, with the Harpersville Road Improvement Project, the City grabbed the first money available for funding, but it came with criteria that included a longer lead time. Some of the grant awards were three (3) to five (5) years out, and the City needed to be aware of the criteria moving forward. The Nettles Drive Sidewalk Improvement Project had a shorter period between applications and came with a smaller pool of money. It was $1.2 million for the entire district, and the City was requesting a large share of the relatively small pool.

Mr. Skipper advised that the City was granted the money for the Harpersville Road Improvement Project as following: (1) Funding for design would become available in FY 2021, which would begin in 2020; (2) Funding for land acquisition would be available in FY 2022, and would begin in the summer of 2023; and (3) Funding for construction would be available in FY 2023, and would begin in the summer of 2024.

City Manager Rohlf advised that the Nettles Drive Sidewalk Improvement Project funds had been applied for, but the City had not received the funding for that project to date. She advised that the money was committed for the Harpersville Road Improvement Project. VDOT had put the money into the Six-Year Plan.

Councilwoman Woodbury questioned why the sidewalk work stopped on Nettles Drive. Mr. Skipper advised that traveling from Bland Boulevard; there were existing sidewalk on the Warwick Boulevard side down to the area of the church – on the right side of the street there were a couple of businesses, but all front to Warwick Boulevard and replied there was a future plan for the sidewalk extension in that area. City Manager Rohlf advised that the sidewalk extension was for the apartment complex to be walkable to the HRT bus stop.

Councilwoman Cherry asked Mr. Skipper for documentation to convey the information to the residents. She also invited Mr. Skipper to attend a meeting to provide an explanation to the residents, particularly those in the Bayberry Watch Neighborhood Group, about the Harpersville Road Improvement Project; so they would understand about plans for the sidewalk improvement project and anticipated completion date. She wanted to assure the residents that they
were well represented, and that their voices were being heard. Mr. Skipper replied he would attend a future meeting.

IV. Closed Session

(5:40 p.m. – 6:33 p.m.)

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED 6:33 P.M.

Zina F. Middleton, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, teste:

City Clerk
F. Consent Agenda

2. Minutes of Special Meeting for August 13, 2019

**ACTION:**
- N/A

**BACKGROUND:**
- N/A

**FISCAL IMPACT:**
- N/A

**ATTACHMENTS:**
Description
Minutes of Special Meeting for August 13, 2019
MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
August 13, 2019
5:40 P.M.

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

ABSENT: None

OTHERS PRESENT: Cynthia Rohlf; Collins Owens; Mabel Washington Jenkins; Darlene Bradbury; Florence Kingston; Marc Rodgers; Mallory Butler; Matthew Johnson; Ralph Clayton; Susan Goodwin; Lisa Cipriano; 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 southern section of the City and the acquisition/disposition of real property in the central section of the City; and (5) a discussion of a prospective business or industry where no previous announcement has been made of the business’ or industry’s interest in locating a facility in the community, the subject of which is a prospective new business in the southern section of the City and the expansion of an existing business in the central 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: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

(Closed Session 5:40 p.m. – 6:33 p.m.)

After reconvening in open session, Councilman Harris moved to certify that to the best of each member’s knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the Council. Motion seconded by Councilwoman Woodbury.
Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 6:33 P.M.

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

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

MEETING DATE: August 13, 2019

MOTION: Councilman Marcellus L. Harris III
SECOND: Councilwoman Dr. Patricia P. Woodbury, Ed.D., LPC

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

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

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

VOTE

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

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

ATTEST:

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

3. Minutes of Regular Meeting for August 13, 2019

**ACTION:**
- N/A

**BACKGROUND:**
- N/A

**FISCAL IMPACT:**
- N/A

**ATTACHMENTS:**
Description
Minutes of Regular Meeting for August 13, 2019
MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
AUGUST 13, 2019
7:00 P.M.

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

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 Pastor Ben Rothwell, Crosswalk 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 Councilman Harris.

D. Presentations

None

Suspension of Rules

Mayor Price advised that City Council received a letter asking that one Councilmember from the prevailing side of the vote to approve the FY 2020 – FY 2024 CIP, make a motion to reconsider the action from the July 9, 2019 Regular Meeting of City Council to revisit the topic.

Councilwoman Woodbury advised that Section 2-36 of the City Code established the order of business at meetings of the City Council and placed Old Business near the end of the
Suspension of Rules Continued

agenda. Pursuant to Section 2-61, of the City Code, Suspension of Rules, Councilwoman Woodbury moved to suspension the rules establishing the normal order of the agenda and move Old Business forward to be considered prior to the Public Hearings for the meeting of August 13, 2019; seconded by Vice Mayor Vick. Mayor Price announced there was a consensus among City Council to reconsider the action and revisit the motion.

(No registered speakers)

Motion for Reconsideration

Councilwoman Cherry moved that the City Council reconsider the resolution to approve the Capital Improvement Plan for FY 2020 to FY 2024 that was defeated on July 9, 2019, at the Regular Meeting of City Council. As required by Section 2-56 of the City Code, written notice of her intent to make this motion was provided to members of City Council by letter dated July 24, 2019; seconded by Councilwoman Woodbury (a copy of a letter from Councilwoman Saundra Cherry, D. Min. is attached and made a part of these minutes).

(No registered speakers)

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

City Attorney Owens advised that the original resolution (Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Year 2020 – 2024 for the City of Newport News, Virginia) that was before City Council on July 9, 2019, was open for discussion and shown below:

Reconsideration of Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Year 2020 – 2024 for the City of Newport News, Virginia

A RESOLUTION APPROVING A CAPITAL IMPROVEMENTS PLAN FOR THE FISCAL YEAR 2020 TO THE FISCAL YEAR 2024 FOR THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution approved the Capital Improvements Plan (CIP) for Fiscal Year 2020 - 2024 for the City of Newport News, Virginia. The Recommended FY 2020 - 2024 CIP reflected citywide priorities and achieved a responsible balance between the commitment to limit City borrowing and the need to advance critical capital projects and purchases. The Plan supported the City's Strategic Priorities and represented a fiscally responsible strategy that adhered to the City's Capital Financing and Debt Management Policies, adopted by City Council in January 2007. City Council approval was required to appropriate the funds for the projected included in the FY 2020 – 2024 CIP. The City Manager recommended approval.
Reconsideration of Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Year 2020 – 2024 for the City of Newport News, Virginia Continued

Councilwoman Cherry advised that she was on the prevailing side, looked at the CIP and carefully reviewed the document, inquired about pending projects as referenced by the City Manager at the July 9, 2019 Regular Meeting of City Council. Councilwoman Cherry indicated there were some very important projects, in getting the CIP passed for this year (FY 2019) which the Council needed to move forward on, especially before implementation of the Choice Neighborhood Initiative (CNI) for the Southeast Community. She reminded that she represented the Southeast Community and that community had been in lack for more than 40 plus years of having transformation. To be able to do the full implementation of the CNI was one of the reasons she asked for a reconsideration of the FY 2020 - FY 2024 CIP. There were other improvements included: the Denbigh-Warwick Area Plan and the pool for the next phase of the Denbigh Community Center. She agreed with Councilwoman Scott that it had been 20 years of waiting, and she looked forward to what would be done to move that project forward. Other projects included the Campbell Road Improvement Project, which had been in the works for years. She wanted to be able to support that project. Many other projects were included which were of concern for her, and indicated for this fiscal year only, she was able to support the CIP, and to review a method for how the City looked at specific projects that would enhance bringing small businesses and incentives to the Southeast Community – especially the Huntington Middle School (HMS) Project. She expressed support for rebuilding a Middle School in the Southeast Community, which was a part of the CIP, and she did not want to do anything to hinder getting the plans for the HMS Project moving forward. She reiterated that she planned to support the CIP FY 2020 - FY 2024.

Councilwoman Scott expressed support for Councilwoman Cherry’s decision to change her vote; but she would not change her vote. Councilwoman Scott indicated that nothing changed for her. She represented the North District, and citizens in the North District sent her to do a job to represent them. She advised that she could not accept the CIP as presented and would not change her vote.

Councilman Harris thanked City Manager Rohlf for meeting with him to discuss the CIP, but he could not change his vote and would vote against it.

Councilman Marcellus I. 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.2 of §2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Work Session and Regular Meeting Agenda of August 13, 2019, (i) the City Manager had recommended to the Newport News City Council that they discuss priorities for the Capital Improvement Plan for FY 2020 - 2024 (the transaction) (CIP); (ii) the said CIP includes, in part, plans to fund improvements for facilities operated by the Newport News School Board, which is a group of three or more persons the members of which are affected by the transaction; (iii) that he was employed by the Newport News School Board; and (iv) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed
Minutes of Regular Meeting
August 13, 2019

Reconsideration of Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Year 2020 – 2024 for the City of Newport News, Virginia Continued

with the City Clerk prior to the City Council meetings at which time the transaction was considered – August 13, 2019; and is attached and made a part of these minutes).

(No registered speakers)

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

E. Public Hearings

1. Ordinance Amending Ordinance No. 7473-18 to Increase the Dimensions of Easements to be Acquired at 4002 and 4004 Campbell Road; Authorizing the City Manager to Make Offers to Acquire, By Purchase or Condemnation, Portions of Property Interests for the Campbell Road Improvements Project, to Provide Funds for this Purpose; and Authorizing the City Manager to Execute All Documents Necessary to Effectuate the Acquisition

AN ORDINANCE AMENDING ORDINANCE NO. 7473-18 TO INCREASE THE DIMENSIONS OF EASEMENTS TO BE ACQUIRED AT 4002 AND 4004 CAMPBELL ROAD AND AUTHORIZING THE CITY MANAGER TO MAKE OFFERS TO ACQUIRE, BY PURCHASE OR CONDEMNATION, PORTIONS OF THOSE CERTAIN PARCELS OF REAL PROPERTY, FOR THE CAMPBELL ROAD IMPROVEMENTS PROJECT, TO PROVIDE FUNDS FOR THIS PURPOSE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN. This ordinance amended Ordinance No. 7473-18 to increase the dimensions of easements to be acquired at 4002 and 4004 Campbell Road; authorizing the City Manager to make offers to acquire, by purchase or condemnation, portions of property interests for the Campbell Road Improvements Project, to provide funds for this purpose; and authorizing the City Manager to execute all documents necessary to effect the purchase. On June 12, 2019, City Council authorized the City Manager to execute all documents necessary to acquire, by purchase or condemnation, various properties required for the Campbell Road Improvements Project. The amendment to the ordinance was necessary to reflect an increase in the area of the property interest taken from Parcel 27 and Parcel 28, and to reflect the associated increase in the appraisals for Parcel 27 and Parcel 28. The City Manager recommended approval.

(No registered speakers)

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

1. Ordinance Amending Ordinance No. 7473-18 to Increase the Dimensions of Easements to be Acquired at 4002 and 4004 Campbell Road; Authorizing the City Manager to Make Offers to Acquire, By Purchase or Condemnation, Portions of Property Interests for the Campbell Road Improvements Project, to Provide Funds for this Purpose; and Authorizing the City Manager to Execute All Documents Necessary to Effectuate the Acquisition Continued

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

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

Councilwoman Woodbury questioned the reason for the increase in the area of the property interest taken from Parcel 27 and Parcel 28.

City Attorney Owens responded it was a few square feet, with the extra being an additional temporary construction easement that would be needed for staging. It was a small amount, but because it was an increase, it had to come before City Council. City Manager Rohlf indicated there were some additional costs associated with the property.

Councilwoman Scott shared that she and Mr. Everett Skipper, Director, Department of Engineering, attended a meeting with citizens of Campbell Road, who were concerned that the schedule for the project continued to change. They asked to be kept abreast of progress pertaining to the Project. Councilwoman Scott expressed appreciation for the work being done to move this project forward, as it had been pending for quite some time. The condition of Campbell Road could be considered dangerous, particularly with a great deal of the residents being elderly, and required to back out of their driveways to travel. She was pleased that the impediments were not on the City's part, but were due to land acquisitions. Citizens assumed that the City delayed the Project, which was not the case.

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

F. Consent Agenda

Councilwoman Woodbury moved adoption of the Consent Agenda, Items 1 through 5, all inclusive, as shown below; seconded by Councilman Harris.
F. Consent Agenda Continued

1. Minutes of the Joint City Council and School Board Meeting of June 25, 2019

   (No registered speakers)

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

2. Minutes of the Work Session of July 9, 2019

   (No registered speakers)

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

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

   (No registered speakers)

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

4. Minutes of the Joint City Council, Planning Commission, and Economic Development Authority-Industrial Development Authority of July 16, 2019

   (No registered speakers)

   Vice Mayor Vick extended thanks to all of the parties involved with scheduling the Joint Meeting of the City Council, Planning Commission, and Economic Development Authority-Industrial Development Authority of July 16, 2019 on the Denbigh-Warwick Area Plan. She stated it was a good meeting being able to meet collectively to share ideas, make comments, and to take a tour of the area. Oftentimes, City Council can visit various sites individually prior to voting on an issue, but to have a collective conversation about the Denbigh area and discuss improvements, and the need for additional investors to come to the area, was great. Mayor Price concurred.

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

5. Ordinance Amending City Code, Chapter 15, Elections; Article I., Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, ELECTIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., VOTING PRECINCTS. This ordinance amended the City Code, Chapter 15, Elections; Article I., Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts; authorizing the relocation of the Wilson Precinct from Pandora Lodge to Ivy Baptist Church. The Newport News Electoral Board recommended the relocation of the Wilson Precinct from the Pandora Lodge because of the deterioration of the facility. The Board’s proposal was to relocate the precinct to Ivy Baptist Church. The voters would be notified of the relocation and proper signage would be placed at the old polling location. The City Manager recommended approval.

(No registered speakers)

Councilwoman Cherry inquired of the cost involved to move the voting precinct from Pandora Lodge to Ivy Baptist Church, and further asked the purpose of the move, and the length of time for the relocation.

City Manager responded that the relocation would be permanent.

Ms. Vicki V. Lewis, Voter Registrar, advised that the reason for the relocation from Pandora Lodge was because the building was not kept up, unclean, and was deteriorating. A new site was sought in the Wilson Precinct for the previous mentioned reasons, and Ivy Baptist Church was selected as the site. Ivy Baptist Church had an auditorium which had a separate entrance from the front of the church that could be utilized as the voting precinct. Ms. Lewis further advised the only cost associated with the relocation was the cost to mail the inserts to the voters advising of the relocation.

Councilwoman Cherry questioned whether the church charged a fee. Ms. Lewis responded the church was not charging for use of the site as a voting precinct. Councilwoman Cherry inquired whether the relocation would be permanent. Ms. Lewis replied that the precinct in Ivy Baptist Church would be permanent as there were no other public buildings within the Wilson Precinct to utilize.

Councilwoman Scott inquired whether a notice would be placed on Pandora Lodge in case individuals showed up, advising of the new location. Ms. Lewis replied yes, a notice would be placed on Pandora Lodge. Ms. Lewis thanked City Council for their support.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None
G. Other City Council Actions

1. Resolution Authorizing and Directing the City Manager to Execute a Lease By and Between the City of Newport News, Virginia and Blue Canon, LLC, for General Office/Storage Space Located at 802 Blue Crab Road, Suite 500

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN LEASE BY AND BETWEEN BLUE CANON, LLC, AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED AUGUST 13, 2019, FOR GENERAL OFFICE WAREHOUSE SPACE AT 802 BLUE CRAB ROAD, SUITE 500, IN THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution authorized the City Manager to execute a lease by and between the City of Newport News, Virginia and Blue Canon LLC, for general office/warehouse space located at 802 Blue Crab Road, Suite 500. The Department of Parks, Recreation and Tourism (Department) leased six (6) separate commercial storage units for storage of a variety of materials, equipment, and supplies, associated with annual events, festivals, and related activities. The Department recommended consolidating the materials and equipment stored in the six (6) commercial units to a single climate-controlled (air-conditioned) unit. The recommended storage unit provided a number of benefits over the storage facilities, to include climate control, 200 additional square feet of storage, increased vertical storage capability, easier access with multiple entry-ways, and a 12’ bay door (as opposed to 8’ doors). Located at City Center, the recommended storage unit was more centralized and convenient to event venues, and would help improve staff efficiency in accessing and transporting event supplies, equipment, and materials. The lease would commence on October 1, 2019, and run for a period of five (5) years. Rent would begin in year one at $1,417 per month and increase approximately five percent (5%) in each successive year. Funding would come from the discontinuation of the existing six (6) storage facility leases. The additional expenditure for storage of approximately $17,004 per year would come from the Department’s General Operating Budget allocation for Special Events. The difference was expected to be offset by increased efficiencies and better protection of stored equipment and materials that were anticipated with the consolidation of storage units, and the climate-controlled environment for supplies. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Cherry recalled that City Council voted on the item before them, when trying to find a location for the City’s Christmas tree.

City Attorney Owens responded the space on Blue Crab Road was a different unit, which would be used to store other items owned by the Department of Parks, Recreation, and Tourism that were scattered throughout the City. Councilwoman Cherry questioned whether
G. Other City Council Actions Continued

1. Resolution Authorizing and Directing the City Manager to Execute a Lease
   By and Between the City of Newport News, Virginia and Blue Canon, LLC,
   for General Office/Storage Space Located at 802 Blue Crab Road, Suite 500
   Continued

   the matter before City Council was a continuation of the other agreement. City Attorney Owens
   advised that the two were different. The prior agreement was for five (5) years, and commenced
   in February; but the agreement before City Council would be a year-to-year agreement allowing
   either party to terminate the agreement given 90-days notice at the end of each year.

   Councilwoman Cherry recalled the base rent, and the charges were at one (1)
   price, and then decreased. She observed that the agreement before City Council increased. She
   questioned the difference between the two (2) agreements. City Manager Rohlf replied the item
   before City Council was a different lease agreement. The City was consolidating storage into one
   (1) unit for storage of items by the Department of Parks, Recreation and Tourism. The
   Department anticipated the efficiencies between a more centrally located unit which would help
   offset the costs and would be picked up by Parks’ Operating Budget. Councilwoman Cherry
   questioned whether there were two (2) separate units in the same location. City Manager Rohlf
   responded yes. She advised that the agreement before them had a slightly higher lease, which
   included an escalator. She further advised that the City continuously evaluated its space needs.

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

2. Resolution Endorsing the Submission of the Transportation Alternative
   Program (TAP) Grant Application for the Nettles Drive Sidewalk
   Improvement Project

   A RESOLUTION ENDORSING A TRANSPORTATION ALTERNATIVES PROJECT FOR THE NETTLES DRIVE SIDEWALK IMPROVEMENT PROJECT – OYSTER POINT ROAD TO POINTER CIRCLE IN THE CITY OF NEWPORT NEWS. This resolution endorsed the City’s Transportation Alternatives Program (TAP) application for the Nettles Drive Sidewalk Improvement Project. The TAP Federal Grant provided funding to improve pedestrian and bicycle facilities. The City applied for funding to install a shared use path on Nettles Drive from Oyster Point Road to Pointer Circle. The total project value was $1,156,185; including a twenty percent (20%) City match of $231,237, and a
   grant request for $924,948. The City Manager recommended approval.

   (No registered speakers)
G. Other City Council Actions Continued

2. Resolution Endorsing the Submission of the Transportation Alternative Program (TAP) Grant Application for the Nettles Drive Sidewalk Improvement Project Continued

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

Councilwoman Cherry expressed concerns about the Nettles Drive Improvement Project. She represented the residents on Harpersville Road. She asked Mr. Everett Skipper, Director, Department of Engineering, to provide an explanation to the residents, particularly those in the Bayberry neighborhood, about the sidewalk improvements, so they would understand about plans for the sidewalk improvement project and anticipated completion date.

Mr. Skipper explained that funding for the Harpersville Road Project was requested in October, 2017, as an application to the Virginia Department of Transportation (VDOT) for the first available funding, which was a Highway Safety Improvement Grant under the Bicycle and Pedestrian Safety Program. The City was granted the money as following: (1) Funding for design would come available in FY 2021, which would begin in 2020; (2) Funding for land acquisition would be available in FY 2022, and would begin the summer of 2023; and (3) Funding for construction would be available in FY 2023, and would begin in the summer of 2024. He advised that the money was committed. VDOT had put the money into the 6-Year Plan.

Mr. Skipper advised that the Nettles Drive Sidewalk Improvement Project had a shorter period between application and funding becoming available. The funding would be available in the Spring of 2021, with the application being submitted in 2019. Although the money would come equal with the start of the Harpersville Road Improvement Project, the City would not know for sure until the Commonwealth Transportation Board acted in the Spring of 2020, whether the money would be available for Nettles Drive Improvements.

Councilwoman Cherry invited Mr. Skipper to the next meeting of the Bayberry Watch Neighborhood Group to provide a status update for the Harpersville Road Improvement Project. Mr. Skipper promised to attend. Councilwoman Cherry wanted to assure the residents that they were well represented, and that their voices were being heard.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None
G. Other City Council Actions Continued

3. Ordinance Amending and Reordaining City Code, Chapter 22, Library System; Article III., Law Library; Section 22-39, Availability of Books, Reports and Papers to Public and Removal of Same From Library

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, LIBRARY SYSTEM, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE III., LAW LIBRARY, SECTION 22-39, AVAILABILITY OF BOOKS, REPORTS AND PAPERS TO PUBLIC AND REMOVAL OF SAME FROM LIBRARY. This ordinance amended and reordained the City Code, Chapter 22, Library System; Article III., Law Library; Section 22-39, Availability of Books, Reports and Papers to the Public, and Removal of Same From Library. The Law Library was a public law library, part of the Newport News Public Library System. The Law Library's collection was non-circulating, and could not be removed from the premises, except by the following individuals: Judges, the City Attorney, any Assistant City Attorney, the Commonwealth’s Attorney, and any Assistant Commonwealth’s Attorney. A revision was requested to the City Code, Section 22-39 to allow the Chief Magistrate, or any Magistrate, to borrow books and legal research materials from the Law Library. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Cherry questioned whether the action before City Council aligned with other jurisdictions that allowed their Magistrates to go into the Law Library to remove books, reports and papers.

City Manager Rohlf asked Ms. Sonia Alcantara-Antoine, Director, Department of Libraries and Information Services, to address the issue. Ms. Alcantara-Antoine advised that there were 21 Law Libraries in the State. Each jurisdiction handled how they wanted to make the materials available, and to who the materials were made available. Ms. Alcantara-Antoine indicated that a request from the Chief Magistrate for the Cities of Hampton and Newport News, Ms. Kara Akins, who also served on the Law Library Advisory Committee, that the privilege be granted to herself and other Magistrates in the area.

Councilwoman Woodbury inquired about consequences if the materials were not returned. Ms. Alcantara-Antoine replied that had not occurred to-date, but it would be the same as if material(s) was not returned to the library - reimbursement would be sought from the individual that borrowed the material(s).

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None
G. Other City Council Actions Continued

4. Ordinance Authorizing an Encroachment Upon the 23rd Street Right-of-Way and Authorizing the City Manager to Execute an Encroachment Agreement Between the City of Newport News, Virginia and Railhouse, LLC

AN ORDINANCE AUTHORIZING AN ENCROACHMENT UPON THE 23RD STREET RIGHT OF WAY IN THE CITY OF NEWPORT NEWS, AS MORE PARTICULARLY SET FORTH HEREBIN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND RAILHOUSE, LLC. This ordinance authorized an encroachment upon the 23rd Street right-of-way, and authorized the City Manager to execute an encroachment agreement between the City of Newport News, Virginia and Railhouse, LLC, for property located at 206-23rd Street. Railhouse, LLC (Railhouse), owned a parcel of real estate in the City of Newport News known as 206-23rd Street, Newport News, Virginia. The right-of-way in this area was immediately adjacent to the face of the building. Railhouse asked for an encroachment to allow it to construct an awning extending from the building into the right-of-way. Terms incorporated in the Encroachment Agreement included revocation by the City and requirements for insurance and maintenance. The City Manager recommended approval.

(No registered speakers)

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

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

H. Appropriations

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

1. Department of Engineering – Hampton Roads Sanitation District (HRSD)
Hampton Trunk A & B Replacement Along Jefferson Avenue

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE – HRSD ($682,682.00) TO HRSD HAMPTON TRUNK A & B REPLACEMENT ALONG JEFFERSON AVENUE ($682,682.00). This resolution appropriated $682,682.00 in Hampton Roads Sanitation District (HRSD) funds for the Hampton Trunk A & B Replacement Project Along Jefferson Avenue. City Council previously appropriated $825,318.00 for this work, to be reimbursed from HRSD. The bid received from the contractor exceeded the HRSD engineer’s estimate. HRSD would provide all funds for the work. No additional City funds were required.
H. Appropriations Continued

1. Department of Engineering – Hampton Roads Sanitation District (HRSD)
   Hampton Trunk A & B Replacement Along Jefferson Avenue Continued

The force main installation would be completed as part of the Jefferson Avenue Phase 2 Utility Relocation and Streetscape Project. The City Manager recommended approval.

(No registered speakers)

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

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

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

Mr. Thompson reiterated his suggestion for the legalization of marijuana. He quoted Bible scripture from Matthew 26:29 (“But I say unto you, I will not drink henceforth of this fruit of the vine, until the day when I drink it new with you in my Father’s kingdom,”) and advised that he would not possess, nor smoke, nor purchase marijuana until marijuana was lawful to possess, grow, and smoke in the Commonwealth of Virginia. He was hopeful that Virginia Attorney General Mark Herring would be elected Governor of the Commonwealth of Virginia and sign into law the decriminalization and legalization of marijuana. Mr. Thompson shared, on August 8, 2019, he was arrested for possession of marijuana. He was thankful that his request for mercy to be released from jail of his own recognizance was granted. Mr. Thompson indicated that he was grateful to be addressing the City Council in the Chambers and not in jail. He prayed to the Lord that his desire to possess and smoke marijuana be taken away until the day it is legal and lawful for him to possess, grow, and smoke marijuana. He further advised that his prayers were answered as he had no desire to possess nor smoke marijuana. His arrest had turned into a great opportunity to serve.

Mr. Randy Abbitt, 53 James River Lane, Newport News, advised that he was born and raised in Newport News, had been a Newport News citizen for 67 years, and had been in business for over 40 years. He addressed City Council about one of his businesses – Deep Creek Landing Marina. As owner of the Deep Creek Landing Marina, he expressed concern about the City’s interest in Leeward Municipal Marina and the Menchville Marina. He recalled addressing City Council in 2007. Mr. Abbitt indicated that his Marina was in direct competition with the Leeward Municipal Marina. The Leeward Marina and the Deep Creek Landing Marina were the only two marinas of the kind in Newport News.
I. Citizen Comments on Matters Germane to the Business of City Council Continued

Mr. Abbitt shared that he had paid $1 million in taxes in a 9-year period to the City of Newport News. The Marina had paid over $200,000 since 2000 to the City of Newport News. He cited the following scenario: there are two building supply companies – Lowes and the City of Newport News Building Products. There was no difference in the materials, but the difference in the pricing was 30%-40% less with the City of Newport News Building Products. A letter distributed to members of Council showed that the slip rental rates were 30%-40% cheaper than the local marinas. He indicated that he could no longer compete in this manner. He advised that his business was hurting, and it was not fair.

Mr. Abbitt further commented about the meters at Leeward Municipal Marina. The meters measure the kilowatts and individuals were billed for usage. He indicated that every Marina had a meter. Leeward Municipal Marina had not fixed their meter in over 12 years. The cost was $33.00 for all of the electricity. Mr. Abbitt pointed out there was one pier in his Marina (Deep Creek Landing) with 16 boats, which averaged $2,000 per month. He shared that the City was losing money as well as the tax-payer’s money. He asked members of City Council for assistance, as he could not continue to compete with the City of Newport News (a copy of Mr. Abbitt’s letter is attached and made a part of these minutes).

City Manager Rohlf shared that Mr. Abbitt contacted her office, but she was unable to speak with him. Assistant City Manager Ralph Clayton returned a call to Mr. Abbitt. She asked Mr. Clayton to meet with Mr. Abbitt to obtain additional information. Staff had researched the matter and discovered there was correspondence from prior years. City Manager Rohlf indicated that she needed an opportunity to review the information as it predated her, but she would peruse the material and provide a report to City Council.

Vice Mayor Vick extended thanks to Mr. Abbitt for being a long-term business owner in the City of Newport News. She hoped the problem could be rectified.

Councilwoman Scott inquired whether individuals were leaving his Marina at Deep Creek Landing because the other Marinas were less expensive. Mr. Abbitt responded yes, and indicated that he had more vacancies than ever. His gas prices were down, diesel prices were down, his slip rents were down, which comprised all of his income. He further shared that he had put in over $1 million of improvements for the Marina. There were only three (3) marinas in the Newport News, and the City owned two (2) of those.

Mr. Jason Godfrey, 55 Haughton Lane, Newport News, advised that he, his wife, and his father-in-law, operated Deep Creek Landing Marina. They wanted to address the many problems that the City had allowed to persist at Menchville Marina. The City had allowed workboats from all over the Bay to use the facility with little to no oversight. The boat owners were not required to sign a lease and there was no record. Owners of the vessels did not possess insurance. Six boats had sank and when the boats sank, the City was left to deal with the problem. Mr. Godfrey indicated that local boaters and residents were force to look at the ongoing
I. Citizen Comments on Matters Germaine to the Business of City Council
Continued

environmental disaster. Multiple complaints were received about the VMRC (Virginia Marine Resources Commission) and the City’s Department of Parks, Recreation and Tourism, which had fallen on deaf ears. Nothing ever changed. The boats were leaking oil and pumping bilges out, which all flowed into the creek, and were sucked up by the marshes. He advised that the trash was unbelievable. Mr. Godfrey indicated that the residents of Deep Creek should not have to look at the deplorable site on a daily basis. Most of the boats were not registered in Newport News, but came from Gloucester, Hayes, and Matthews, but Newport News dealt with it. He urged any assistance offered by City Council.

City Manager Rohlf thanked Mr. Godfrey for bringing the matter to City Council. She advised that the City was aware of the issue. It was her intent to have a Work Session with City Council in September to address the matter of the Menchville Marina and other topics, to perhaps include a tour of the Marina.

Councilwoman Woodbury recalled that Christopher Newport University (CNU) had a part of the Marina. City Manager Rohlf responded that CNU did have a building in the Marina, used for their Sailing Center. City Manager Rohlf advised that staff had taken some steps regarding the Marina. She hoped to bring the matter to City Council in September, 2019.

Councilwoman Scott thanked Mr. Godfrey for sharing the matter with City Council. She advised that she was at the Marina during the week of August 5, 2019, having visited the City Farm/Riverview Farm Park area, and accidentally ended up at the Marina. She was aware that the City Manager was addressing the matter and did not bring up any additional issues. She concurred that the area needed attention. She reminded that she participated in “Clean the Bay Day” in 2016, and the area had gotten progressively worse. Mr. Godfrey added that the City was receiving nothing as a result. City Manager Rohlf advised that Mr. Godfrey and Mr. Abbitt would be alerted when City Council took a tour, and welcomed them to join the tour.

Ms. Jannie Bazemore, 1004 Hampton Avenue, Newport News, expressed thanks to the Department of Planning for the July 31, 2019 Presentation on the proposed Huntington Middle School Complex. Ms. Bazemore advised, with today’s atmosphere of unrest and violence, she remained concerned about the safety of the school campus, and the students when adding programs and activities to a school campus that invited the public during school hours. The City must be vigilant more than ever when it comes to school safety. She advised that Huntington Middle School should be rebuilt first before looking at other resources for the area. Recreation should not be put ahead of the education of the youth. The United States lagged behind in education, as was the City of Newport News. Ms. Bazemore indicated that Huntington Middle School should be rebuilt immediately as other schools would need repairs in the near future. She urged City Council to let Huntington Middle School be the priority. If the future generation was not educated, they would not make the money to spend in the City’s economic development projects. Ms. Bazemore further indicated that the rebuilding of Huntington Middle School needed to start no later than 2020. She urged the funds be allocated to begin the plans and the designs
I. Citizen Comments on Matters Germaine to the Business of City Council
Continued

immediately, and reopen the school as soon as possible. She concluded with her signature phrase, “Huntington Shall Rise Again”.

Mr. Adrian Whitcomb, 316-54th Street, Newport News, recalled the celebration of the 400th Anniversary of America’s First Representative Legislative Assembly in North America, the 1619 General Assembly, with “Democracy Weekend” on July 27 - 28, 2019. He shared there would be another event on August 23 - 25, 2019 – A Commemoration of the Arrival of the first Africans to the English speaking area of North America. The arrival occurred at Point Comfort, the site of present-day Fort Monroe National Monument in Hampton. A host of events were planned to commemorate the historic occasion. Citizens were invited to visit www.hamptonva2019.com for detailed information. Mr. Whitcomb encouraged citizens to attend.

Mr. Whitcomb commented on the former City Farm property near Riverview Farm Park. He thanked City Council for including a portion of funds in the CIP. He hoped that trails would be added for public use. He advised that City of Newport News was full of history, and urged City officials to preserve that history and the City’s recreational value.

Ms. Mary Vause, 350 Williamsburg Court, Newport News, advised that she was a Newport News Public Schools graduate, teacher, and parent, as well as a member of the Newport News Education Association (the local teachers’ union). Ms. Vause recalled that four (4) out of seven (7) members of City Council voted against the CIP budget at the July 9, 2019 Regular Meeting of City Council that postponed funding for a new Huntington Middle School and a pool at the Denbigh Community Center. She extended thanks to Councilmembers Cherry, Scott, Harris, and Jenkins for bravely taking a stand on July 9, 2019 against the unfair CIP budget that did not fulfill its public funding responsibilities to Newport News citizens. Ms. Vause also extended thanks to Councilmembers Scott, Harris, and Jenkins for sticking with their original vote one month later. One would hope with the majority of Council members rejecting the CIP Budget on July 9, 2019, that the City Manager would have taken time to meet with all concerned Councilmembers to obtain their input and to craft a better budget that all of City Council could support, or to announce changes moving forward to make more balanced budgets that did not further postpone new constructions on schools, community centers, and libraries due to extravagant “Sweetheart deals” for private companies and developers. Ms. Vause indicated that the reconsideration of the CIP budget should have been announced to the public to allow public comments. She further indicated the agenda for the August 13, 2019 Regular Meeting of City Council listed on line at the Newport News City Council website did not include the reconsideration of the CIP budget that was pushed through without any opportunity for public comments, and found it concerning that no public comments were permitted prior to the vote, which was not announced. Ms. Vause advised that the action was as if the public’s opinion was unwanted and intentionally avoided, which was not what open and transparent government looked like. An example of the way the City had over prioritized economic development over long-awaited long promised public projects was the $50 million spent on the SCOT Center project, and the $30 million spent on a taxpayer funded parking garage in City Center for a pri-
I. Citizen Comments on Matters Germaine to the Business of City Council Continued

Ms. Vause stated the $80 million spent on unplanned, unbudgeted, "economic development spending" was used to justify postponing funding for Huntington Middle School and a pool at the Denbigh Community Center; even though members of City Council were never informed that supporting the SCOT Center and the City Center parking garage deals would mean that long-awaited public projects, like Huntington Middle School and the Denbigh Community Center pool, would be pushed back farther.

Ms. Vause questioned how the aging school buildings in Newport News would be funded on time if funding for Huntington Middle School continued to be pushed back further. She further reminded in prior CIP budgets, Newport News Public Schools (NNPS) buildings received approximately one-half (1/2) of the funding per square foot as other City buildings. She reminded that Huntington Middle School was closed in 2018 due to dilapidation and safety concerns after years of inadequate funding for school maintenance and repairs. A 2000 study by Mosely Architects identified many more schools that were in critical need of renovation and replacement in the pipeline behind Huntington Middle School.

Mayor Price asked City Attorney Owens to comment on the matter of why there was no public comment on the reconsideration of the CIP. City Attorney Owens replied that the public comment on the CIP was at the July 9, 2019 Regular Meeting of City Council. When it was defeated, he advised, there was a provision in the City Code for reconsideration of an item from the prior meeting, to be at the next Regular Meeting. A Councilmember must provide written notice, at least 24 hours in advance of their intent to bring a motion to reconsider. He stated there was nothing that required that the motion be brought forward, even with written notice, which meant that a reconsideration would not be an agenda item. It would come up under "Old Business". Members of City Council agreed to suspend the rules and move the matter forward from "Old Business".

Ms. Pam Hall, P. O. Box 9041, Hampton, a resident of the Southeast Community, commented that artificial intelligence, self-driving cars, drones, face-time, and whatever the imagination dreamed up and portrayed from the past were today's realities. She urged inquisitive minds to think outside of the box, and indicated the NNPS had that task. City Council should do whatever was necessary to ensure adequate salaries and modern facilities. She suggested beginning with a new 22nd Century Huntington STEAM (Science, Technology, Engineering, Arts, and Math) Middle School to set the standard and attract a community of families and businesses vying to take advantage of all the City of Newport News has to offer.

Ms. Hall recalled, in 2013, Mr. Chad Pritchett, Senior Analyst, Department of Budget and Evaluation, stated that Huntington Middle School replacement funding would be available in 2018/2019. The FY 2015-2019 CIP footnote included a new Huntington Middle School at a cost of $40 million. In 2016, the NNPS submitted $143 million budget, of which $62 million was for a new Huntington Middle School, but to approximately one-half (1/2) by the City
I. Citizen Comments on Matters Germene to the Business of City Council Continued

Manager. In 2019, the City proposed $37 million at a future date, and stated that more funding could be made available if the City’s vision was included. Ms. Hall advised that the longer funding was delayed would put more children at risk of incarceration or death. She indicated the children and the citizens in the Southeast Community of Newport News deserved better. Without hopes and dreams, a future could seem bleak. Ms. Hall suggested, if Newport News was “One City,” let the tax dollars be equally split among all parts of the City.

On June 5, 2016, a Daily Press Op-ed stated, “having good schools is itself among the most important economic development initiatives any community could make. They are a big reason that families and businesses move into, and settle down in the City.” Ms. Hall stated, a City Community Center, a non-profit that paid $1 per year in rent to the NNPS, a closed public school, and a public library were all separate entities linked only by a common thread called City funding.

J. Old Business, New Business and Council Member Comments

City Clerk, Mabel Washington Jenkins, MMC, introduced and welcomed Ms. Lora Graham, Deputy City Clerk II, to the City Clerk’s Office.

Councilman Harris thanked the citizens for their attendance and participation, sharing their thoughts, concerns, and ideas, as well and those watching via various media streams.

Councilman Harris announced the following events: (1) First Baptist Church Denbigh (FBCD) Family Conference, Thursday, August 22, 2019, 6:30 p.m., at First Baptist Church Denbigh, (3628 Campbell Road). He and Councilwoman Sharon Scott would participate on a panel of community leaders, as well as Newport News Police Chief, Steve Drew, Sheriff Gabe Morgan, and Commonwealth Attorney, Howard Gwynn; discussing State of the City issues; (2) Southern Christian Leadership Conference (SCLC) Commemoration Celebration – 400 Years of African-American History, Thursday, August 22, 2019, 6:00 p.m. – 8:30 p.m., at New Beech Grove Baptist Church (361 Beechmont Drive); (3) Back-to-School Supply Drive, Friday, August 23, 2019, 3:00 p.m. – 6:00 p.m., Marshall Courts Boys and Girls Club (3301 Marshall Avenue), sponsored by “Not My Child” organization, led by Mr. Devon Kelly; and (4) “End Violence in the Community,” Friday, August 30, 2019, 5:00 p.m. – 11:00 p.m., at Rebounderz (12650 Patrick Henry Drive), hosted by Mr. John Morgan, General Manager.

Councilman Harris highlighted the Woodside High School Varsity Basketball Team, and Coach, Mr. Stefan Welch. Councilman Harris indicated the team did more than play basketball, to include riding buses through different neighborhoods to distribute books and literature with the “Books on Bikes” organization, during the summer months, and at Christmas time. The team members also had a mentorship program run by Coach Welch, with his feeder schools in the community. He also offered a free Kids, Skills and Drills Clinic in the community.
J. Old Business, New Business and Councilmember Comments Continued

Councilman Harris advised that he and his wife, Rasheena, would celebrate their 11th wedding anniversary on Friday, August 23, 2019. He extended loving wishes and accolades to his wife.

Mayor Price wished his wife, Valerie, a Happy Birthday. Mrs. Price celebrated her birthday on Tuesday, August 13, 2019. Mayor Price extended greetings to his grandson, who was visiting.

Mayor Price reminded that there would be no second Council meeting in August. The next Regular Meeting of City Council would be held on Tuesday, September 10, 2019, 7:00 p.m.

Mayor Price extended congratulations to An Achievable Dream Middle and High School on their new Wellness Center and equipment received. A Ribbon Cutting Ceremony and Tennis Exhibition match was held on Wednesday, July 17, 2019, 11:30 a.m. – 1:00 p.m. Mr. Tony Brothers served as referee.

Mayor Price and his colleagues attended a Deconsecration Service at St. Paul’s Episcopal Church, 221-34th Street on Saturday, July 20, 2019, 11:00 a.m. – 12:00 noon. St. Paul’s was a tremendous asset and had served as part of the Newport News community for 130 years.

Mayor Price announced that the City’s project to replace the Warwick Boulevard Bridge over Lake Maury was complete. The two-year project replaced the aging bridge and expanded the roadway to better serve citizens and guests for decades. He advised that over 25,000 drivers traveled that route daily. A Virtual Ribbon Cutting was available for view on the website.

Mayor Price announced the Brooks Crossing Innovation and Opportunity Center Ribbon Cutting, and tours, were scheduled for Saturday, August 24, 2019, 12:00 noon, at 550-30th Street. The Honorable Ralph Northam, Governor of the Commonwealth of Virginia, would be a guest at the event. The public was welcome to attend. The first floor of the building would be dedicated to the neighborhood to show other industries the Shipyard had available, plus the types of jobs and careers to communicate to the community.

Mayor Price announced that the 2019 National Night Out was held on Tuesday, August 6, 2019, 4:00 p.m. – 9:00 p.m. The Kick-off began at the Newport News Police Headquarters (9710 Jefferson Avenue). He indicated it was nice to see numerous communities coming out and sharing their neighborhoods.
J. Old Business, New Business and Councilmember Comments Continued

Mayor Price advised that the Play Ball event originally scheduled for August 7, 2019, was cancelled due to inclement weather, was rescheduled for Wednesday, August 14, 2019, 5:00 p.m. – 8:00 p.m., at TowneBank Athletic Park, 741 Adams Drive. He shared that the U. S. Conference of Mayors joined forces with various organizations to bring more minorities into the sport of baseball.

Councilwoman Scott thanked the citizens for their attendance and participation and voicing their opinions and concerns.

Councilwoman Scott commented about the Special Meeting of the City Council, Planning Commission, and the Economic Development Authority/Industrial Development Authority on the Denbigh-Warwick Area Plan. The value she saw in bringing the bodies together was to see the possibilities and challenges for the North District. It provided a better idea of what everyone saw collectively, and she was hopeful for a positive outcome to the Plan for the North District.

Councilwoman Scott described the National Night Out activities as amazing. She shared that over 100 youth were on site in the Nettles Drive community. It was exhilarating to observe the enthusiasm and excitement in the air.

Councilwoman Scott advised that she had toured some of the Parks and Recreation facilities and ended up at the Doris Miller Community Pool (2814 Wickham Avenue). She indicated the pool was amazing! She imagined it transitioning to the North District to the Denbigh Community Center. It was her hope that the citizens in the Southeast Community were appreciative. Councilwoman Scott advised that there were visitors at the pool from other locales who saw the value, and mentioned they would be willing to pay for use of the Doris Miller Community Pool.

Councilwoman Scott announced that the North District Town Hall Meetings would resume on on Monday, August 26, 2019, 7:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard), for “Back to School Night”. Dr. George Parker, Superintendent of the NNPS would be the guest, as the other North District School Board representatives were not available. Councilwoman Scott advised that every child attending accompanied by an adult would receive free Back-to-School supplies. All citizens were encouraged to attend and participate in the conversation.

Councilwoman Scott encouraged citizens to attend the World Arts Festival, on Saturday, August 24, 2019, 4:00 p.m. – 8:00 p.m., at City Center. This annual event showed the diversity of Newport News citizens.

Councilwoman Scott wished a speedy recovery to Ms. Ashley Terry, the one youth North District Town Hall Meeting attendee, a Woodside High School student who attended most North District Town Hall Meetings as time permitted.
Minutes of Regular Meeting
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J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Scott wished a Happy Birthday to Ms. Dawn Barber, Director, Department of Juvenile Services, who celebrated her birthday on Tuesday, August 13, 2019.

Vice Mayor Vick advised that she and her colleagues attended an outstanding New Teacher Welcome Breakfast, on Tuesday, August 13, 2019, 8:00 a.m. – 9:30 a.m. at Woodside High School (13450 Woodside Lane). The turnout was excellent, with over 200 teachers in attendance. Dr. Parker, Superintendent NNPS, was very enthused. Representatives from Cox Communications were present and speaking about some of the amazing things being done to provide internet access to the youth.

Vice Mayor Vick shared that citizens’ comments about the grant that was written to provide a bike and walking trail in the area of Chesapeake Avenue were great. Citizens were appreciative of the area on the beautiful James River, making the area more accessible to citizens to comfortably walk and ride their bikes. She extended kudos to the members of City Council who supported this project, and to the City’s team of experts who worked to make this project happen.

Vice Mayor Vick extended condolences to Frank and Denise James on the passing of their mother, Ms. Mary Whitaker. Evanglist Denise James was Councilwoman Vick’s AKA soror. Ms. Whitaker’s Homegoing Service was great, and the employees of the Department of Public Works came out in great numbers to show their support.

Vice Mayor Vick advised that she was pleased to participate in the Boys and Girls Clubs of the Virginia Peninsula’s 12th Annual Smart Smiles 5K Run/Walk, on Saturday, August 17, 2019, 8:00 a.m., at Mariners’ Museum Park. All funds raised would provide dental care for young people who could not afford dental care.

Councilwoman Woodbury advised of Deconsecration Service and of St. Paul’s Episcopal Church, 221-34th Street and its ministry, on Saturday, July 20, 2019, 11:00 a.m. – 12:00 noon. St. Paul’s was a tremendous asset and had contributed greatly to the homeless and the downtown area of Newport News. She stated it was a sad occasion.

Councilwoman Woodbury extended condolences on the passing of former Newport News Councilman, William “Bones” Haskins. She extended thanks to his family for his many years of service to the City of Newport News.

Councilwoman Woodbury indicated that National Night Out events and activities were great! She extended kudos to the family who set up a lemonade stand. She mentioned it was a wonderful feeling of energy and enthusiasm throughout the City. She was delighted to be a part of it.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Woodbury indicated that she was inspired by former State Delegate, Ms. Flora D. Crittenden, on her 95th Birthday. Councilwoman Woodbury and her colleagues attended Delegate Crittenden’s 95th Birthday Celebration on Sunday, August 11, 2019, 3:00 p.m. – 4:30 p.m., at Crittenden Middle School (6158 Jefferson Avenue). Crittenden Middle School was named in Delegate Crittenden’s honor. Councilwoman Woodbury shared one of Delegate Crittenden’s life lessons from Former Principal Homer L. Hines, about refusing to do a homework assignment/project, and when her choir was to attend a field trip, she was not allowed to participate, which taught her a life lesson of consequences.

Councilwoman Woodbury also attended the outstanding New Teacher Welcome Breakfast, on Tuesday, August 13, 2019, 8:00 a.m. – 9:30 a.m., at Woodside High School (13450 Woodside Lane). She was inspired by an incredible young man who wrote a beautiful poem about his 7th grade teacher who taught him about life and life’s lessons through music. Councilwoman Woodbury was honored to have sat next to the 2019 Teacher of the Year, Mr. Andy Perry, a 7th grade life science and advanced physical science teacher at Crittenden Middle School.

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

Councilwoman Cherry also extended condolences to Frank and Denise James on the passing of their mother, Ms. Mary Whitaker. Evangelist Denise James was one of her colleagues.

Councilwoman Cherry extended thanks to all of the Neighborhood Watch Groups that sponsored National Night Out activities. She commended those neighborhood groups that combined and partnered with other communities. She also thanked Chief Steve Drew for the Kick-off at the Newport News Police Headquarters (9710 Jefferson Avenue), which was special, with youth participation. Councilwoman Cherry advised that Chief Drew had shown that youth really mattered to him personally. She also thanked all of the officers of the NNPD for their participation in National Night Out events and activities throughout the neighborhoods.

Councilwoman Cherry advised that this was the only meeting of City Council scheduled for the month of August.

Councilwoman Cherry announced that the next South District “Your Voice Matters” Town Hall Meeting, was scheduled for Thursday, August 15, 2019, 6:00 – 7:30 p.m., held at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), which would be an open meeting for discussion, concerns, sharing of ideas, and exchanging of information. All citizens were welcome to attend. She reminded that the South District Town Meetings were a collaborative effort between the City Council, the School Board, and the Police Department.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Cherry invited citizens to attend the final summer concert series, sponsored by the Department of Parks, Recreation and Tourism. The concert was held on Saturday, August 17, 2019, 6:00 p.m. – 8:00 p.m., at King Lincoln Park (600 Jefferson Avenue). Rare Essence was the featured band.

Councilwoman Cherry announced there would be a Back-to-School Community Fest, scheduled for Saturday, August 24, 2019, 1:00 p.m. – 3:00 p.m., at 617-27th Street. Free school supplies were available for all children accompanied by an adult.

Councilwoman Cherry encouraged citizens to attend the Brooks Crossing Innovation and Opportunity Center Ribbon Cutting, on Saturday, August 24, 2019, 12:00 noon – 5:00 p.m., at 550-30th Street.

Councilwoman Cherry extended birthday greetings to her nephew, Mr. Lawrence Allen Britt, who celebrated his birthday on Saturday, August 17th; as well as Mr. Lamont Britt, who celebrated his birthday on Tuesday, August 20th; and her aunt, Ms. Addie Threatt, the Matriarch of the family, and the domino champion of the family, who celebrated her 86th birthday on Saturday, August 31st.

Councilwoman Cherry wished everyone a happy and safe Labor Day.

Councilwoman Cherry announced the next Faith, Justice & Community Meeting, hosted by the NNPD, was scheduled for Tuesday, September 3, 2019, 2:00 p.m. - 3:00 p.m. at the NNPD Headquarters (9710 Jefferson Avenue). She thanked Chief Drew for providing crime statistics and updates on what was occurring in the City. Pastors or a pastoral representative from all faith communities were invited to attend.

Councilwoman Woodbury indicated that citizens in the Central District would like a bike and walking trail on the former City Farm property.

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 8:22 P.M.
Minutes of Regular Meeting
August 13, 2019

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk
F. Consent Agenda

4. Ordinance Amending and Reordaining City Code Chapter 6, Animals and Fowl; Article II., Dogs and Cats Generally; Section 6-25, Running at Large; Disposal of Impounded Animals

A REQUEST TO AMEND AND REORDAIN CITY CODE
CHAPTER 6, ANIMALS AND FOWL; ARTICLE II., DOGS
AND CATS GENERALLY; SECTION 6-25, RUNNING AT
LARGE; DISPOSAL OF IMPOUNDED ANIMALS, BY
ADDING A $100 CIVIL PENALTY TO OWNERS OF DOGS
FOUND RUNNING AT LARGE IN PACKS.

BACKGROUND:

• The 2010 Virginia General Assembly passed SB 1367, requiring a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs, to exempt dogs used for hunting, and requires such locality to include in such ordinance a civil penalty in an amount established by the locality, not to exceed $100 per dog, for the owner or custodian of any dog found running at large in a pack.

• The bill requires that such civil penalties be deposited by the local treasurer in the Dog and Cat License Fund, which is used to support animal control.

• The City Manager recommends approval.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Description
Memo to HCC re Chp 6 Sec 6-25 & Chp 29 Sec 29.50 9.4.19
Amending Sec 6-25 Running at large
The Honorable City Council

September 4, 2019

TO:
FROM:
SUBJECT: Ordinance Amendment – Chapter 6, Animals and Fowl; Section 6-25 & Section 29-50

The 2019 Virginia General Assembly passed SB 1367, requiring a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs, to exempt dogs used for hunting. The bill requires the locality to include in such ordinance a civil penalty in an amount established by the locality, not to exceed $100 per dog for the owner or custodian of any dog found running at large in a pack. The bill requires that such civil penalties be deposited by the local treasurer in the Dog and Cat License Fund, which is used to support animal control.

As a result of the legislation passed by the Virginia General Assembly, an amendment of City Code Section 29-50 Regulations for Dogs; and Section 6-25, Running at Large; Disposal of Impounded Animals is needed to conform with the recently passed law of the Commonwealth.

I recommend approval.

Cynthia D. Rolff

CC: Michael D. Poplawski, Director, Department of Parks, Recreation & Tourism
ORDINANCE NO. _______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, ANIMALS AND FOWL, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DOGS AND CATS GENERALLY, SECTION 6-25, RUNNING AT LARGE; DISPOSAL OF IMPOUNDED ANIMALS.

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

That Chapter 6, Animals and Fowl, of the Code of the City of Newport News, Virginia, Article II., Dogs and Cats Generally, Section 6-25, Running at large; disposal of impounded animals, be, and the same hereby is, amended and reordained as follows:

CHAPTER 6

ANIMALS AND FOWL

ARTICLE II. DOGS AND CATS GENERALLY

Sec. 6-25. Running at large; disposal of impounded animals.

(a) It shall be unlawful for the owner, custodian or other person in charge or control of any dog to permit or allow such animal to be at large within the city limits or to negligently fail to prevent such animal from being at large within the city limits. If a dog attacks a person or another companion animal while at large, the owner shall be guilty of a Class 2 misdemeanor. Section 29-50 requires dogs be leashed in public parks. The owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty in an amount of one hundred dollars ($100.00) per dog so found. For the purpose of this section, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large.

(b) It shall be unlawful for any person to permit any cat owned or kept by him or her to run or go at large within the city unless said cat is spayed or neutered; this provision shall not apply to kittens who are less than six (6) months of age.

(c) It shall be the duty of the animal control officer or other officer who may find any dog that is running at large or any cat as identified in paragraph (b) above that is running at large to forthwith take said animal into custody. If the owner or keeper is known, or if such animal has upon it the name and address of the owner, and the owner thereof can be reasonably ascertained, then such owner shall be notified within forty-eight (48) hours after such impound.
(d) The animal control officer or other officer may also impound any other stray or feral animal that he finds. If a dog or cat is found without the license required by this Article, it shall be presumed that the dog or cat is stray or feral, unless the animal control officer or other officer has reason to know that it is not stray or feral.

(e) The animal shall be impounded in the public animal shelter, or other appropriate holding facility for a period of at least five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility. An animal bearing a collar, tag, license, tattoo or other form of identification shall be held for an additional five (5) days. The owner may, upon proof of ownership redeem the animal immediately.

(f) Any person claiming to be the owner of an impounded animal shall provide adequate proof of ownership prior to redeeming the animal. Proof of ownership shall consist of a current city license, veterinary documentation, bills of sale or other adequate documentation. It shall be unlawful for any person to present false evidence of ownership in order to redeem or gain possession of an impounded animal. Violations of this subsection shall constitute a Class 1 misdemeanor.

(g) If at the end of such period as described in subsection (e) such animal shall not have been redeemed, it may be humanely destroyed or disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth, agency of another state or a licensed federal dealer, or any approved animal rescue agency or organization. No provision herein shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.

(h) Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection D of Section 3.2-6546 of the Code of Virginia, 1950, as amended, an animal that has been released by the animal’s rightful owner after the rightful owner has read and signed a statement:

1. Surrendering all property rights in such animal;
2. Stating that no other person has a right of property in the animal; and
3. Acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection D of Section 3.2-6546 of the Code of Virginia, 1950, as amended.

(i) This section does not apply to law enforcement animals engaged in the performance of their duties or to animals confined within an area of public property designated by the director of parks, recreation and tourism or private property designated by the owner for having animals off leash.
F. Consent Agenda

5. Ordinance Amending and Reordaining City Code Chapter 29, Parks, Squares and Recreation Facilities; Article II., General Regulations Governing Parks, Squares, Beaches, Golf Courses, Etc.; Section 29-50 Regulations for Dogs

ACTION: A REQUEST TO AMEND AND REORDAIN CITY CODE CHAPTER 29, PARKS, SQUARES AND RECREATION FACILITIES; ARTICLE II., GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC.; SECTION 29-50, REGULATIONS FOR DOGS, BY ADDING A $100 CIVIL PENALTY TO OWNERS OF DOGS FOUND RUNNING AT LARGE IN PACKS.

BACKGROUND: • The 2010 Virginia General Assembly passed SB 1367, requiring a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs, to exempt dogs used for hunting, and requires such locality to include in such ordinance a civil penalty in an amount established by the locality, not to exceed $100 per dog for the owner or custodian of any dog found running at large in a pack.

• The bill requires that such civil penalties be deposited by the local treasurer in the dog and cat license fund, which is used to support animal control.

• The City Manager recommends approval.

FISCAL IMPACT: N/A

ATTACHMENTS:
Description
Memo to HCC re Chp 6 Sec 6-25 & Chp 29 Sec 29.50 9.4.19
Amend Sec 29-50 Regs for Dogs
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Ordinance Amendment – Chapter 6, Animals and Fowl; Section 6-25 & Section 29-50

The 2019 Virginia General Assembly passed SB 1367, requiring a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs, to exempt dogs used for hunting. The bill requires the locality to include in such ordinance a civil penalty in an amount established by the locality, not to exceed $100 per dog for the owner or custodian of any dog found running at large in a pack. The bill requires that such civil penalties be deposited by the local treasurer in the Dog and Cat License Fund, which is used to support animal control.

As a result of the legislation passed by the Virginia General Assembly, an amendment of City Code Section 29-50 Regulations for Dogs; and Section 6-25, Running at Large; Disposal of Impounded Animals is needed to conform with the recently passed law of the Commonwealth.

I recommend approval.

Cynthia D. Rolff

cc: Michael D. Poplawski, Director, Department of Parks, Recreation & Tourism
ORDINANCE NO. _______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 29, PARKS, SQUARES AND RECREATIONAL FACILITIES, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC., SECTION 29-50, REGULATIONS FOR DOGS.

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

That Chapter 29, Parks, Squares and Recreational Facilities, of the Code of the City of Newport News, Virginia, Article II., General Regulations Governing Parks, Squares, Beaches, Golf Courses, etc., Section 29-50, Regulations for dogs, be, and the same hereby is, amended and reordained as follows:

CHAPTER 29

PARKS, SQUARES AND RECREATIONAL FACILITIES

ARTICLE II. GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC.

Sec. 29-50. Regulations for dogs.

(a) No person shall permit his animal to run at large in or on any park or recreational facility, with the exception of any area designated by the City as a “dog-park”. In the case of a dog, the dog’s owner or his agent must secure the animal by a collar with a chain, cord or leash not exceeding eight (8) feet in length, and have the animal under complete and immediate control while in or on the recreational facility, except that a dog may be off-leash so long as it is in such areas and during such times as have been specifically designated for off-leash in writing by the Director of the Newport News Department of Parks and Recreation and Tourism. The owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty in an amount of one hundred dollars ($100.00) per dog so found. For the purpose of this section, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large.
(b) The term “off-leash” for purposes of this section means that the dog is not secured by its owner or owner’s agent by a collar with a chain, cord or leash not exceeding eight (8) feet in length.
G. Other City Council Actions

1. Receipt of Bids for a Utility Easement Across City-Owned Property Located at 701 Jefferson Avenue

**ACTION:** A REQUEST TO CITY COUNCIL TO RECEIVE AND OPEN BIDS FOR GRANTING A UTILITY EASEMENT OVER CITY-OWNED PROPERTY LOCATED AT 701 JEFFERSON AVENUE.

**BACKGROUND:**
- A request has been received to grant a 15-foot-wide utility easement over City-owned property at 701 Jefferson Avenue.
- The easement request will enable the installation of a transformer and underground cable necessary to provide enhanced electrical service to private tenants within the Seafood Industrial Park.
- The required Public Notice was properly advertised.
- The City Manager recommends that bids be received and opened, with follow-up action referred to her office.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memo to HCC re Utility Easement Bids - 701 Jefferson Ave 9.4.19</td>
</tr>
<tr>
<td>Attachment 1: Plat</td>
</tr>
<tr>
<td>Attachment 2: Aerial Photo</td>
</tr>
<tr>
<td>Auth Easement at 701 Jefferson Ave NNSIP Parcel 8A</td>
</tr>
</tbody>
</table>
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Receipt of Bids for Utility Easement at 701 Jefferson Avenue

A request has been received to grant a 15-foot-wide utility easement over City-owned property located at 701 Jefferson Avenue. City Council is being asked to receive and open bids for the utility easement, as shown on the attached Plat Number 22-19-0041 and attached aerial.

The proposed non-exclusive utility easement will enable the installation of a transformer and underground cable necessary to provide enhanced electrical service to private tenants within the Seafood Industrial Park. All appropriate City departments have reviewed and approved this request and the required Public Notice was properly advertised.

I recommend that City Council receive and open bids for the above described utility 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 September 24, 2019 meeting agenda.

Cynthia D. Rohlf

CDR:FGK:dep

Attachments (2)

cc: Florence G. Kingston, Director, Department of Development
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 24TH DAY OF SEPTEMBER, 2019, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 701 JEFFERSON AVENUE, NEWPORT NEWS, VIRGINIA, MORE PARTICULARLY REFERRED TO AS PARCEL 8A IN THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK.

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 24th day of September, 2019, for an easement across City-owned property located at 701 Jefferson Avenue, Newport News, Virginia, more particularly referred to as Parcel 8A in the Newport News Seafood Industrial Park.

2. That a copy of the said Deed of Easement is attached hereto and made a part hereof.
THIS DEED OF EASEMENT, made this 24th day of September, 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 seventy five (75) feet in length, as shown on the Plat referenced below and attached hereto, to construct, operate and maintain one or more underground lines, an above ground pad mount transformer, 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. 22-19-0041
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.: ________________________

rag1948
G. Other City Council Actions

2. Resolution Supporting an Application to the Virginia Department of Transportation (VDOT) for Funding Through the FY 2021 and FY 2022 VDOT Revenue Sharing Program

**ACTION:** A REQUEST TO APPROVE A RESOLUTION SUPPORT AN APPLICATION TO VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF $8,000,000.00 THROUGH THE VDOT REVENUE SHARING PROGRAM FOR FY 2021 AND FY 2022.

**BACKGROUND:**
- Virginia Department of Transportation’s FY 2021 and FY 2022 Revenue Sharing Program allows localities to request revenue sharing funds for transportation projects. Applications are accepted on a biennial cycle.
- The City is applying for the maximum amount of $16,000,000 in total funds for seven projects for FY 2021 and FY 2022.

**FISCAL IMPACT:**
- The Revenue Sharing Program requires a 50/50 match between VDOT and the City.
- The required City match for the seven projects is $8,000,000. Funds do not have to be appropriated at this time.
- The City Manager recommends approval.

**ATTACHMENTS:**
- Memo to HCC re VDOT Revenue Sharing Prog FY21-22 9.4.19
- Attachment Location Map
- In Support of VDOT Revenue Sharing FY21 & FY22
The Virginia Department of Transportation (VDOT) is currently accepting applications for FY2021 and FY2022 state Transportation Revenue Sharing funds. City Council is requested to adopt a resolution applying for the funding amount of $16,000,000 for both years. The Revenue Sharing Program requires at least a 50/50 match between VDOT and the City. The City’s match is reflected in our FY2020 Capital Improvement Program.

Applications are due October 1, 2019 and the Commonwealth Transportation Board will make a decision on the funding for projects by June 2020. City funds do not have to be appropriated at this time. Projects included in the resolution are as follows:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Title</th>
<th>Description</th>
<th>FY Year</th>
<th>Total Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hogan Drive Extension - Phase II</td>
<td>Provides construction funding</td>
<td>2021</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Complete Streets - 16th Street</td>
<td>Provides design, right of way, and construction funding</td>
<td>2021</td>
<td>$4,825,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2022</td>
<td>$1,375,000</td>
</tr>
<tr>
<td>3</td>
<td>Jefferson Avenue Sidewalk - Green Grove to Industrial Park</td>
<td>Provides design, right of way, and construction funding</td>
<td>2022</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>4</td>
<td>Downtown Pedestrian Improvements</td>
<td>Provides design and construction funding</td>
<td>2022</td>
<td>$250,000</td>
</tr>
</tbody>
</table>
The Honorable City Council
Page 2
VDOT Revenue Sharing Program for FY2021 and FY2022
September 4, 2019

<table>
<thead>
<tr>
<th>Rank</th>
<th>Title</th>
<th>Description</th>
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<th>Total Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Pedestrian Improvements - Warwick Boulevard to Bland Boulevard South</td>
<td>Provides design, right of way, and construction funding</td>
<td>2021</td>
<td>$1,175,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2022</td>
<td>$1,625,000</td>
</tr>
<tr>
<td>6</td>
<td>Traffic Signal - Jefferson Avenue and Wilcox Lane</td>
<td>Provides design, right of way, and construction funding</td>
<td>2022</td>
<td>$500,000</td>
</tr>
<tr>
<td>7</td>
<td>Citywide Sidewalk and Handicap Ramp Improvements</td>
<td>Provides design and construction funding</td>
<td>2022</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

Total

FY 2021 - $10,000,000
FY 2022 - $6,000,000

I recommend approval.

Cynthia D. Rohlf

CDR:BJP:wjr

Attachment

cc: Everett Skipper, Director, Department of Engineering
### Revenue Sharing Projects FY21/FY22

<table>
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<tr>
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<td>Citywide Sidewalk and Handicap Ramp Improvements</td>
</tr>
</tbody>
</table>
RESOLUTION NO. ____________________

A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF $8,000,000.00 THROUGH THE VDOT REVENUE SHARING PROGRAM FOR FY 2021 AND FY 2022.

WHEREAS, VDOT, through its FY 2021 and FY 2022 Revenue Sharing Program, has offered the City revenue sharing funds for use on roadway improvement projects on a 50/50 share basis; and

WHEREAS, the Council of the City of Newport News desires to submit an application for an allocation of funds of up to $8,000,000.00 through the VDOT FY 2021 and FY 2022 Revenue Sharing Program on projects totaling $16,000,000.00; and

WHEREAS, the City’s matching funds would amount to $5,000,000.00 from the City’s FY 2021 CIP; and

WHEREAS, $2,000,000.00 of these funds are requested to fund the Hogan Drive Extension, Phase II Project, the total cost of which is estimated to be $4,000,000.00 in FY 2021; and

WHEREAS, $2,412,500.00 of these funds are requested to fund the 16th Street Reconstruction Project, the total cost of which is estimated to be $4,825,000.00 in FY 2021; and

WHEREAS, $587,500.00 of these funds are requested to fund the Pedestrian Improvements-Warwick Boulevard to Bland Boulevard South Project, the total cost of which is estimated to be $1,175,000.00 in FY 2021; and

WHEREAS, the City’s matching funds would amount to $3,000,000.00 from the City’s FY 2022 CIP; and

WHEREAS, $687,500.00 of these funds are requested to fund the 16th Street Reconstruction Project, the total cost of which is estimated to be $1,375,000.00 in FY 2022; and

WHEREAS, $1,000,000.00 of these funds are requested to fund the Jefferson Avenue Sidewalk - Green Grove to Industrial Park Project, the total cost of which is estimated to be $2,000,000.00 in FY 2022; and

WHEREAS, $125,000.00 of these funds are requested to fund the Downtown Pedestrian Improvements Project, the total cost of which is estimated to be $250,000.00 for FY 2022; and

WHEREAS, $812,500.00 of these funds are requested to fund the Pedestrian Improvements-Warwick Boulevard to Bland Boulevard South Project, the total cost of which is
WHEREAS, $250,000.00 of these funds are requested to fund the Traffic Signal - Jefferson Avenue and Wilcox Lane Project, the total cost of which is estimated to be $500,000.00 in FY 2022; and

WHEREAS, $125,000.00 of these funds are requested to fund the Citywide Sidewalk and Handicap Ramp Improvements Project, the total cost of which is estimated to be $250,000.00 in FY 2022; and

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

1. That it hereby supports the application for an allocation of $8,000,000.00 through the Virginia Department of Transportation FY 2021 and FY 2022 Revenue Sharing Program.

2. That the City Manager is authorized to execute and the City Clerk to attest on behalf of the City, any 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, September 10, 2019.
G. Other City Council Actions

3. Ordinance Authorizing the Renaming of a Portion of Hogan Drive

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE RENAMING A PUBLIC RIGHT-OF-WAY FROM HOGAN DRIVE TO TECH CENTER PARKWAY.

**BACKGROUND:**
- A request has been received from W.M. Jordan Development, LLC, developer of the Tech Center Research Park, to rename the public portion of Hogan Drive, which runs from Jefferson Avenue to the entrance of the current SCOT site, to Tech Center Parkway.

- The City has received letters of support from all current property owners along the public portion of Hogan Drive.

- W.M. Jordan has agreed to pay for costs associated with fabrication and installation of the new Tech Center Parkway road identification signs.

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
- Memo to HCC re Renaming of Hogan Drive 9.4.19
- Letters of Support
- Aerial Map
- Rename Hogan Dr to Tech Ctr Pkwy
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Renaming of Portion of Hogan Drive

A request has been received from W.M. Jordan Development, LLC, developer of the Tech Center Research Park, to rename the public portion of Hogan Drive to Tech Center Parkway. The public portion of Hogan Drive currently runs from Jefferson Avenue to the entrance of the current SCOT site, but is proposed to be extended as part of a transportation infrastructure improvement project.

The City has received letters of support from all current property owners along the public portion of Hogan Drive. Copies of the letters, as well as an aerial map showing the portion of the existing roadway to be renamed, are attached.

W.M. Jordan has agreed to pay for costs associated with fabrication and installation of the new Tech Center Parkway road identification signs.

Based upon the expressed support of the property owners affected by the proposed change, I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR: mej

Attachments (2)

cc: Everett P. Skipper, Director, Department of Engineering
    Florence G. Kingston, Director, Department of Development
September 13, 2018

Cynthia D. Rohlf
City Manager
City of Newport News
2400 Washington Avenue, 10th Floor
Newport News, Virginia 23607

RE: Renaming Hogan Drive to Tech Center Parkway

Dear Cindy,

As we continue to progress with the development of Tech Center, we feel that, to assist with enhancing the sense of place, it would be advantageous to rename the Hogan Drive public right-of-way. After working with your staff, it has been determined that Tech Center Parkway is an acceptable new name for the road. We have coordinated with the owners of property currently addressed as Hogan Drive, both of which support and have joined W. M. Jordan Development, LLC in our request, as master developer of Tech Center, to rename Hogan Drive to Tech Center Parkway.

It is my understanding that this request will require additional review by your staff prior to advancing it for City Council approval. If you or your staff require further information, please let me know.

Sincerely,

[Signature]

C.J. "Skip" Smith,  
Vice President

CC: Florence G. Kingston
Kirk Galiani  
NPN Land, LLC  
651 Hogan Drive  
Newport News, VA 23606  

September 13, 2018  

Cynthia D. Rohlf  
City Manager  
City of Newport News  
2400 Washington Avenue, 10th Floor  
Newport News, Virginia 23607  

VIA FEDEX  

Dear Ms. Rohlf,  

As owner of NPN Land, LLC located at 651 Hogan Drive, I am writing to confirm my support and join W. M. Jordan Development, LLC in its request for renaming Hogan Drive to Tech Center Parkway.  

Should you or your staff need any additional information, I can be reached at (703) 903-5475 or kirk@usfitnessgroup.com.  

Sincerely,  

Kirk Galiani  
NPN Land, LLC  

Cc: Florence G. Kingston, Director of Development, City of Newport News  
Bryan Witt, Development Manager, W. M. Jordan Company
July 2, 2018

Cynthia D. Rohlf
City Manager
City of Newport News
2400 Washington Avenue, 10th Floor
Newport News, Virginia 23607

RE: Renaming of Hogan Drive

Dear Ms. Rohlf:

As owner of Venture Apartments in Tech Center located at 685 Hogan Drive, I am writing to confirm my support and join W. M. Jordan Development, LLC in its request for renaming Hogan Drive to Tech Center Parkway.

Should you or your staff need any additional information, I can be reached at 757-491-1990, extension 11.

Best regards,

John L. Gibson, III
Managing Partner

JLGIII/ejm

cc: Florence G. Kingston
City of Newport News, Director of Development
May 30, 2019

Cynthia D. Rohlf
City Manager
City of Newport News
2400 Washington Avenue, 10th Floor
Newport News, Virginia 23607

RE: Hogan Drive Renaming – Letter of Support

Dear Ms. Rohlf:

It is my understanding that W. M. Jordan Development, LLC has requested that the City renames Hogan Drive to Tech Center Parkway. As Superintendent of Newport News Public Schools, this letter serves to confirm my support for the renaming of Hogan Drive to Tech Center Parkway.

Should you or your staff need any additional information, I can be reached at 757-591-4502.

Sincerely,

Dr. George Parker, III
Superintendent, Newport News Public Schools

Copy to: Florence G. Kingston, Director of Development
Skip Smith, W. M. Jordan Development, LLC
ORDINANCE NO. ______________

AN ORDINANCE RENAMING A PUBLIC RIGHT-OF-WAY FROM HOGAN DRIVE TO TECH CENTER PARKWAY.

WHEREAS, the City Manager has recommended the renaming of that public right-of-way in the City of Newport News currently designated and named Hogan Drive to Tech Center Parkway, east of its intersection with Jefferson Avenue; and

WHEREAS, the Council of the City of Newport News is of the opinion that no public inconvenience will be occasioned if the right-of-way is renamed and therefore wishes to do so.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, that it desires to, and hereby does:

1. Rename that public right-of-way in the City of Newport News currently designated and named Hogan Drive to Tech Center Parkway.

2. Authorize and direct the City Attorney to cause a copy of this Ordinance to be recorded among the deeds and other records in the Newport News Circuit Court Clerk’s Office.

3. This ordinance shall be in effect on and after the date of its adoption, September 10, 2019.
G. Other City Council Actions

4. 1 of 2: Resolution Appropriating $4,500 from the Virginia Commission for the Arts Local Challenge Grant to Virginia Commission for the Arts Grant-Support for Local Performing Arts

ACTION: A REQUEST TO APPROVE A RESOLUTION THAT WILL APPROPRIATE $4,500 OF STATE GRANT REVENUE FROM THE VIRGINIA COMMISSION FOR THE ARTS FOR ALLOCATION BY THE CITY TO LOCAL PERFORMING AND FINE ARTS ORGANIZATIONS.

BACKGROUND: • The Virginia Commission for the Arts has awarded the City a $4,500 Local Government Challenge Grant.

• These grant funds will be utilized in conjunction with the $154,879 approved in the City’s FY2020 Operating Budget for Support for the Performing Arts to award individual grants to eligible performing and fine arts organizations.

FISCAL IMPACT: • Matching funds have been budgeted in the FY2020 Operating Budget.

• The City Manager recommends approval.

ATTACHMENTS:
Description
Memo to HCC re VA of the Arts Grant 9.4.19
sdm17005 Appropriation re VA Commission for the Arts Local Challenge Grant
The City of Newport News has been awarded a Local Government Challenge grant in the amount of $4,500 from the Virginia Commission for the Arts. These grant funds will be utilized in conjunction with the $154,879 approved in the City’s FY 2020 Operating Budget for Support for the Performing Arts to award individual grants to eligible performing and fine arts organizations.

City Council will be requested to approve these individual grant awards in a resolution that follows this proposed appropriation.

I recommend approval.

Cynthia D. Rohlf

cc: Lisa J. Cipriano, Director, Department of Budget & Evaluation
RESOLUTION NO. ______________

A RESOLUTION APPROPRIATING FUNDS FROM VA COMMISSION FOR THE ARTS LOCAL GOVERNMENT CHALLENGE GRANT TO VA COMMISSION FOR THE ARTS GRANT SUPPORT FOR THE PERFORMING ARTS.

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

That it hereby appropriates funds from VA Commission for the Arts Local Government Challenge Grant to VA Commission for the Arts Grant Support for the Performing Arts, as follows:

Appropriation From:

VA Commission for the Arts Local Government Challenge Grant
2640-000-37-482000-000000-0000-37R20-37R20
$ 4,500.00

Appropriation To:

VA Commission for the Arts Grant Support for the Performing Arts
2640-000-37-556302-000000-0000-37R20-37R20
$ 4,500.00
5. 2 of 2: Newport News Arts Commission (NNAC) - FY 2020 Support for the Arts Funding Recommendations - $159,379

**ACTION:**    A REQUEST TO APPROVE A RESOLUTION THAT APPROVES SPECIFIC GRANT AWARDS TO VARIOUS LOCAL PERFORMING AND FINE ARTS ORGANIZATIONS, IN ACCORDANCE WITH RECOMMENDATIONS FROM THE NEWPORT NEWS ARTS COMMISSION.

**BACKGROUND:**
- Through an annual competitive application process, the Newport News Arts Commission makes recommendations to City Council for allocation of City and State grant funds to various local performing and fine arts organizations.
- The combined funding of City and State grants available for Fiscal Year 2020 is $159,379.

**FISCAL IMPACT:**
- City Council approved $154,879 in the FY2020 Operating Budget for Support to Performing Arts. This amount provides the local match required for the $4,500 Virginia Commission for the Arts Grant recommended for appropriation under separate action.
- The City Manager recommends approval.

**ATTACHMENTS:**
- Memo to HCC re NN Art Commission Allocations 9.4.19
- Funding Description
- sdm17006 Approving Grant Awards by NN Arts Commission
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Newport News Arts Commission FY 2020 Grant Awards

The Newport News Arts Commission (NNAC) provides grant funding to non-profit organizations that produce, present or support dance, literary arts, media arts, music, theater, visual, and related arts within the City, or which serves City residents.

The members of the NNAC annually review applications that are submitted in May, and follow guidelines in determining which organizations will receive funding and the amount that will be awarded. The criteria used during the review include: the number of people served (with emphasis on Newport News residents), scarcity or availability of comparable programs, nature, and extent of other available public and private support, and competence of the organization.

The NNAC holds hearings in July to meet with approximately half of the agencies (alternating every other year with the other half). The funding is provided in the form of general operating support or for special projects, and the amount awarded must fit within established parameters based on the organization’s income or project budget.

On July 10, 2019, the NNAC met to review grant submissions from various local performing and fine arts organizations. This year, $154,879 was approved by City Council in the City’s FY 2020 General Operating Budget to fund the NNAC grant applications. Coupled with the $4,500 award from the Virginia Commission for the Arts, a grand total of $159,379 is available and has been recommended for award.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR:LJC:jp

cc: Lisa J. Cipriano, Director, Department of Budget & Evaluation
<table>
<thead>
<tr>
<th>GRANT TITLE AND DESCRIPTION RECOMMENDED FOR FY 2020 FUNDING</th>
<th>COMMISSION LIAISON</th>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT FUNDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Chesapeake Bay Wind Ensemble, Inc. The Chesapeake Bay Wind Ensemble seeks to promote adult concert bands in the greater Tidewater region. They are requesting operating funding to enable the organization to perform at larger venues such as the Ferguson Center’s Peebles Hall. The larger venues are costly to rent, as they can no longer fit their ever growing ensemble on smaller stages.</td>
<td>Sandra Parks</td>
<td>$2,000.00</td>
<td>$625.00</td>
</tr>
<tr>
<td>2 Magic of Harmony Show Chorus Magic of Harmony Show Chorus is a woman's educational organization committed to advancing the musical art form of four-part acappella harmony arranged in barbershop style. They are requesting funding for general operating support to purchase new music, coaching and educational support and training to their members.</td>
<td>J. Roger Hamilton</td>
<td>$750.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>3 Mildred McDaniel Concert Series The Mildred McDaniel Concert Series provides an intimate venue for superior quality musical performances for the city of Newport News and beyond. For more than 12 consecutive years the concert series has provided nine to ten exceptional musical programs annually. These performances are free and open to the public.</td>
<td>Charles Harper</td>
<td>$1,337.50</td>
<td>$650.00</td>
</tr>
<tr>
<td>4 Newport News Public Art Foundation The Newport News Public Art Foundation seeks general operating support for their three main programs: commissioning and installing world-class, contemporary art in highly visible locations; maintaining the collection; and conducting outreach within the community to help them appreciate the art around them.</td>
<td>Pat Franklin</td>
<td>$9,000.00</td>
<td>$5,750.00</td>
</tr>
<tr>
<td>5 Peninsula Community Theatre Peninsula Community Theatre offers a venue for local talent to perform in as professional a setting as possible. It seeks to provide a quality theatre experience to both volunteer artists and a diverse range of audience members. The 58th season will offer two musical productions, three non-musical productions, a drama, two comedies; five Children’s Theatre productions, and a Cabaret Series consisting of two Cabarets.</td>
<td>Katie Stodghill</td>
<td>$7,000.00</td>
<td>$4,500.00</td>
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<tr>
<td>6 Peninsula Fine Arts Center (PFAC) PFAC seeks to obtain a grant for general operating expenses. Due to the diversity of programs and educational focus provided by PFAC. PFAC has been able to serve the entire community. Services are designed for all ages and are presented both in the PFAC facility, as well as in the community at schools, civic center, libraries, parks, senior centers, etc.</td>
<td>Pat Franklin</td>
<td>$20,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Grant Title and Description Recommended for FY 2019 Funding (General Operating Support)</td>
<td>Commission Liaison</td>
<td>Amount Requested</td>
<td>Amount Funded</td>
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<tr>
<td><strong>7</strong> Port Warwick Foundation</td>
<td>Lynne Allen</td>
<td>$6,250.00</td>
<td>$4,250.00</td>
</tr>
<tr>
<td>The Port Warwick Art &amp; Sculpture Festival, now in its 15th year, is the Virginia Peninsula’s premiere outdoor juried art show, held in William Styron Square. The 15th Annual Art and Sculpture Festival will have approximately 100 local and nationally recognized artists. The funding would also help support the Port Warwick Summer Concert Series, the Port Warwick Holiday Tree Lighting and the Port Warwick Jazz Series.</td>
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<td><strong>8</strong> Soundscapes, Inc.</td>
<td>Charles Harper</td>
<td>$6,000.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Soundscapes, Inc. is an non-profit after school and summer education and intervention program that instills transformative and learning skills in underserved youth in the community. They request general operating support to provide intensive music study and frequent ensemble performances, using intensive music study and ensemble performance. FY 2020 Soundscapes will serve 400 public school students in grades 1-12, providing between 128 and 360 annual hours of instruction at Carver Elementary. Soundscapes is a participant in NNPS Spark Program and will provide four weeks of half-day instruction to elementary students at three Title I elementary schools.</td>
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<td><strong>9</strong> Tidewater Arts Outreach (TAO)</td>
<td>Charles Harper</td>
<td>$4,000.00</td>
<td>$3,500.00</td>
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<tr>
<td>Tidewater Arts Outreach’s mission is to bring joy to older adults and enhance their well-being through creative engagement with arts. TAO’s programs consist of interactive music programs, participatory spoken word/poetry and songwriting workshops, hands-on visual arts projects and interactive performing arts presentations.</td>
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<td><strong>10</strong> Virginia Choral Society</td>
<td>Katie Stodghill</td>
<td>$1,200.00</td>
<td>$904.00</td>
</tr>
<tr>
<td>Funds requested in this proposal will be used to support expenses of the Virginia Choral Society, Inc. in presenting choral concerts in Newport News. The 2019-2020 concert season as currently planned consists of nine ticketed concerts, six of which are in Newport News.</td>
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<tr>
<td><strong>11</strong> The Virginia Opera Association, Inc.</td>
<td>Sandra Parks</td>
<td>$20,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>The Virginia Opera Association, Inc. is committed to engaging and educating a diverse base of audiences, volunteers and professionals through the production of quality performances in Virginia. The Virginia Opera is requesting general operating funds to assist with mainstage touring productions and education and outreach programs produced during the 2019-2020 performance season.</td>
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<td><strong>12</strong> Virginia Stage Company</td>
<td>James Gandolfo</td>
<td>$5,000.00</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>The area’s leading professional theater destination, serving an audience of almost 60,000 annually, both at the Wells Theatre and throughout the community. Funding will be used for general operating support to aid VSC in its efforts to provide quality theater experiences at affordable prices to Newport News residents through the development and production of eight high quality Mainstage shows, education programs and outreach initiatives.</td>
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<tr>
<td>GRANT TITLE AND DESCRIPTION RECOMMENDED FOR FY 2019 FUNDING (General Operating Support)</td>
<td>COMMISSION LIAISON</td>
<td>AMOUNT REQUESTED</td>
<td>AMOUNT FUNDED</td>
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<tr>
<td>13 Virginia Symphony Orchestra (VSO) The VSO is a leading cultural asset that is the source of regional pride, connecting everyone in Hampton Roads through the transformative power of exceptional musical performances and educational activities. VSO requests funding to support its programming in the City of Newport News during the 2019-2020 season.</td>
<td>Pat Franklin</td>
<td>$75,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>14 The Williamsburg Symphony Orchestra (WSO) The WSO is a professional symphony orchestra based in Williamsburg, VA. The musicians of the orchestra live throughout the state (including Newport News). The orchestra presents a Masterworks Subscription series, Pops Concerts, Educational Performances, a Side-by Side Concert, Masterclasses, with Guest Artists, Instrumental Group Coaching sessions for students and an Instrumental Loan Program for students in need.</td>
<td>Bea Dahlen</td>
<td>$6,000.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>15 York River Symphony Orchestra (YRSO) York River Symphony Orchestra performs a series of four concerts which are performed at Thomas Nelson Community College, Mary T. Christian Auditorium. Additional concerts are performed as requested by organizations within the community. The orchestra is comprised of amateur and professional musicians. Ensembles from within the orchestra are available to perform for a number of Peninsula organizations. Their educational outreach includes a preconcert showcase, and annual Young Peoples' Concerto competition and concerts.</td>
<td>Bea Dahlen</td>
<td>$2,000.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>16 Young Audiences Arts for Learning Virginia, Inc. (YAV) YAV is seeking funding for the general operating fund. Young Audiences of Virginia (YAV) is dedicated to bringing innovation and imagination to education through the arts. (YAV) provides in-school performances and workshops and year-round after-school residencies for pre-K through 12th grade students across Virginia. YAV also provides quality arts-integration teacher training in partnership with school systems and universities and offers artist training on curriculum and program development.</td>
<td>Lynne Allen</td>
<td>$15,000.00</td>
<td>$10,000.00</td>
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</table>

<p>| OPERATING SUPPORT SUBTOTAL | | $180,537.50 | $71,979.00 |</p>
<table>
<thead>
<tr>
<th>GRANT TITLE AND DESCRIPTION RECOMMENDED FOR FY 2019 FUNDING</th>
<th>COMMISSION LIASON</th>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT FUNDED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Access Virginia</strong></td>
<td>Katie Stodghill</td>
<td>$7,000.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Access Virginia works to make the arts accessible to children and adults with disabilities. The Access Virginia Accessibility Program (AVAP) makes attending live theater possible for persons who are Deaf/Hard of Hearing and Blind/Visually impaired. They provide the accommodations of open captioning for the hard of hearing and audio description for the visually impaired. Through this program their target audience, adult and youth can also participate in theater sensory workshops designed to use the arts to educate about all aspects for theater and participate in drama activities. Access Virginia has partnered with Downing-Gross to conduct Dramatically Able II in Summer 2019. This is a theater sensory 2-week program for students who are Blind/Visually Impaired.</td>
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<td><strong>Ferguson Center 2019-2020 Performance Season</strong></td>
<td>James Gandolfo</td>
<td>$25,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>The Ferguson Center’s cultural programming provides access and participation to all segments of Newport News families through a progressive, year-round schedule of renowned musical, theatre, dance and lecture presentations. The variety found in the Ferguson Center’s schedule reflects the mission of offering a broad range of performances, reaching the largest possible number of community members, while maintaining its status as the finest performing arts center in Hampton Roads.</td>
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<td><strong>Ferguson Center - Arts for All</strong></td>
<td>James Gandolfo</td>
<td>$25,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>The Arts for All initiative provides complimentary tickets to schools and non-profit organizations serving families, children and at-risk communities throughout Hampton Roads. The goal for the 2019-2020 season is to provide a minimum of 3,500 Arts for All tickets with the primary emphasis on distribution to Newport News residents.</td>
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<tr>
<td><strong>The Mariners’ Museum</strong></td>
<td>Sandra Parks</td>
<td>$10,000.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>Support from the Newport News Arts Commission will assist the Museum’s commitment to access for all Newport News residents by continuing $1 admissions year-round for guests, while expanding programs designed to improve visitor engagement, specifically through Maritime Monday’s programming, designed for children ages 2-12 and their families. These funds will allow the museum to provide exceptional programs and personalized services, while keeping admission low.</td>
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<td><strong>Mosaic Steel Orchestra</strong></td>
<td>J. Roger Hamilton</td>
<td>$10,800.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Mosaic Steel Orchestra provides no-fee after school steelpan programs in Hampton Roads’ underserved communities. Their programs develop within participants confidence, teamwork and leadership skills while reducing undesirable behaviors. Mosaic Steel Orchestra is requesting a project grant to expand a Newport News ensemble at the Downing-Gross Cultural Arts Center.</td>
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<tr>
<td></td>
<td>Organization</td>
<td>Grant Description</td>
<td>Contact Name</td>
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<tr>
<td>6</td>
<td>Peninsula Fine Arts Center (PFAC)</td>
<td>Artistic Verses has been a collaborative project between PFAC and Newport News high school since 1993. PFAC is requesting funding to continue collaborating programs with Newport News Public Schools that uses visual art to inspire student poetry and then publishes the resulting works online. PFAC wants to enhance the training of the &quot;spoken word&quot; elements by bringing in a performing artist to work with students on public presentation skills.</td>
<td>Pat Franklin</td>
</tr>
<tr>
<td>7</td>
<td>Teens with a Purpose</td>
<td><em>HEAR THIS</em> is a powerful literary arts and humanities program that teaches spoken word/performance poetry to middle school and high school aged students. TWP intends to present HEAR THIS to Newport News students, through an after school residency at Huntington Middle School and at Doris Miller Recreation Centers. HEAR THIS cultivates youth voices through participation in hands-on, high-level, afterschool, creative writing, performance workshops and mentorship that also provides crucial opportunity for social and behavioral support.</td>
<td>Michelle Gilliam</td>
</tr>
<tr>
<td>8</td>
<td>Thomas Nelson Community College</td>
<td>Thomas Nelson's Performing Arts Series offers exceptional plays and concerts for the enjoyment of over one thousand Peninsula residents and Thomas Nelson students, faculty and staff each year. The Series offers three professionally produced plays and related lectures, as well as two choral and voice recitals. They are requesting funding to assist with royalties, professional technical support and fees for orchestra musicians.</td>
<td>Michelle Gilliam</td>
</tr>
<tr>
<td>9</td>
<td>Virginia Arts Festival</td>
<td>The Virginia Arts Festival is requesting funding for the 23rd annual Virginia Arts Festival that will be held from April 10 through June 20, 2020 with a diverse line-up of world-renowned performers presented in cities and venues throughout Hampton Roads. The festival would like to present one main stage performance at Ferguson Center and provide at least three arts education events in Newport News.</td>
<td>J. Roger Hamilton</td>
</tr>
<tr>
<td>10</td>
<td>Virginia Living Museum</td>
<td>The Virginia Living Museum is requesting funding to support &quot;Art-Sci Theater&quot; over three days. The productions will teach children how they can have responsible interaction with the environment to avoid depletion or degradation of natural resources and allow for long-term environmental quality.</td>
<td>James Gandolfo</td>
</tr>
<tr>
<td>11</td>
<td>The Virginia Opera Association, Inc.</td>
<td>The Virginia Opera Association, Inc. is requesting funding to provide access to arts programming for students and residents of Newport News during the 2019-2020 fiscal year. The programming will consist of eight in-school performances, ten community outreach programs for adults, one free public performance at a public venue and one free public performance of a student touring production. The Opera will also make 200 Student Night at the Opera tickets free to charge to local students unable to pay the nominal fee.</td>
<td>Sandra Parks</td>
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<td></td>
<td><strong>Virginia Stage Company</strong></td>
<td>James Gandolfo</td>
<td>$5,000.00</td>
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<tr>
<td><strong>Funding</strong></td>
<td>will be used to aid Virginia Stage Company (VSC), Hampton Roads' only fully professional resident theater company, in bringing live professional theater to Newport News students through Education and Community Engagement Programs. VSC will continue to offer student matinees of mainstage shows and In-School Tours along with robust Community Engagement programs. Through these programs, VSC helps deepen student learning, broaden community participation in the arts, and provide access to arts experiences to all people.</td>
<td><strong>Lynne Allen</strong></td>
<td>$5,000.00</td>
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<thead>
<tr>
<th></th>
<th><strong>WHRO</strong></th>
<th><strong>PROJECT SUPPORT SUBTOTAL</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WHRO's television series</strong></td>
<td><em>Curate</em> is a 13 episode arts program developed for TV broadcast that blends art, artists, and the vibrant emerging regional art scene with nationally produced content. As WHRO is able to highlight artists from other areas, so are other stations able to highlight Hampton Roads' artists in their broadcasts.</td>
<td><strong>$145,512.50</strong></td>
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</table>
RESOLUTION NO. ________________

WHEREAS, the City Council of the City of Newport News, Virginia, has adopted a resolution to establish the Newport News Arts Commission; and

WHEREAS, one of this Commission’s functions is to advise City Council on the allocation of City monies to local performing and fine arts organizations; and

WHEREAS, the City Council has appropriated one hundred fifty-four thousand, eight hundred and seventy-nine dollars ($154,879.00) in the FY 2020 budget to support these arts organizations; and

WHEREAS, the Arts Commission has solicited applications for project support or general operating grants, has reviewed all grant requests which were received and has voted after extensive consideration to recommend to City Council the allocation of the one hundred fifty-four thousand, eight hundred and seventy-nine dollars ($154,879.00) appropriation and the four thousand, five hundred dollars ($4,500.00) Virginia Commission for the Arts grant.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves grant awards to the below specified organizations in the amount recommended by the Newport News Arts Commission as follows:

**GENERAL OPERATING AND PROJECT SUPPORT GRANTS**

<table>
<thead>
<tr>
<th>Grant Title (General Operating Support)</th>
<th>Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesapeake Bay Wind Ensemble</td>
<td>625</td>
</tr>
<tr>
<td>Magic Harmony Show Chorus</td>
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<td>Mildred McDaniel Concert Series</td>
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<td>Peninsula Community Theatre</td>
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<tr>
<td>Peninsula Fine Arts Center</td>
<td>10,000</td>
</tr>
<tr>
<td>Port Warwick Foundation</td>
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<tr>
<td>Soundscapes, Inc.</td>
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<td>Tidewater Arts Outreach</td>
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<tr>
<td>Virginia Choral Society</td>
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<tr>
<td>Virginia Opera Association, Inc.</td>
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</tr>
<tr>
<td>Virginia Stage Company</td>
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</tr>
<tr>
<td>Virginia Symphony Orchestra</td>
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<tr>
<td>Young Audiences of Virginia, Inc.</td>
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</tr>
<tr>
<td>Grant Title (Project Support)</td>
<td>Grant Amount</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------</td>
<td>--------------</td>
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<tr>
<td>Access Virginia</td>
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<td>Ferguson Center for the Arts; Christopher Newport University</td>
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<td>“Arts for All” Initiative during the 2019-2020 Season</td>
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<td>2019-2020 Performance Season</td>
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<td>Mariner’s Museum</td>
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<td>Mosaic Steel Orchestra</td>
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<td>Newport News Public Art Foundation</td>
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<td>Virginia Stage Company</td>
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<td>Williamsburg Symphony Orchestra</td>
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</tr>
<tr>
<td>York River Symphony Orchestra</td>
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</table>

**Grand Total** $159,379

BE IT FURTHER RESOLVED that the City Manager be, and hereby is, authorized and directed to execute agreements with the above organizations to include the terms and conditions under which said organizations may expend the grant monies, such terms and conditions to be developed in conjunction with the Newport News Arts Commission.
**G. Other City Council Actions**

6. 1 of 2: Department of Engineering – FY 2017 State of Good Repair Program ($5,100,000), FY 2020 State Revenue Sharing Program ($3,600,000), FY 2020 Bond Authorization Streets and Bridges Category ($3,600,000): Route 105 Bridge (Fort Eustis Boulevard) over the Newport News (Lee Hall) Reservoir Project - $12,300,000

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $12,300,000 FOR THE ROUTE 105 (FORT EUSTIS BOULEVARD) BRIDGE OVER THE NEWPORT NEWS (LEE HALL) RESERVOIR REPLACEMENT PROJECT FROM THE FY 2017 STATE OF GOOD REPAIR PROGRAM ($5,100,000), FROM THE FY 2020 STATE REVENUE SHARING PROGRAM ($3,600,000), AND FROM THE STREETS AND BRIDGES CATEGORY OF THE FY 2020 BOND AUTHORIZATION ($3,600,000).

**BACKGROUND:**

- The Route 105 Bridge over the Newport News Reservoir is considered structurally deficient based on the latest National Bridge Inspection Standards (NBIS) inspection report.

- The preliminary engineering study recommended a complete replacement and widening of the existing structurally deficient bridge.

- The new bridge will meet current American Association of State Highway and Transportation Officials (AASHTO) and VDOT requirements, providing two 12-foot lanes with a 10-foot shoulder in both directions as well as increased safety measures.

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memo to HCC re Ft Eustis Blvd over Lee Hall Reservoir Rplcmnt Proj 9.4.19</td>
<td>Attachments Location Map Route 105</td>
</tr>
<tr>
<td>sdm17007 Appropriation re Fort Eustis Bridge Over NN Reservoir</td>
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</tr>
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</table>
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Fort Eustis Boulevard Bridge over the Lee Hall Reservoir Replacement Project

City Council is requested to approve a resolution appropriating additional funds in the amount of $12,300,000 and to authorize the City Manager to execute the revised Virginia Department of Transportation (VDOT) Project Administration Agreement and to enter into any and all agreements necessary for the completion of the Fort Eustis Boulevard (Route 105) Bridge over the Lee Hall (Newport News) Reservoir Replacement project. VDOT has requested the City adopt a new resolution as the project received VDOT State of Good Repair funds to augment the previous Revenue Sharing funds.

The 658-foot long Route 105 Bridge over the Newport News Reservoir is considered structurally deficient based on the National Bridge Inspection Standards (NBIS) inspection performed in September 2018 and is nearing the end of its useful service life. A preliminary engineering study of the replacement and repair alternatives was completed in 2016 with a recommendation for a complete replacement of the bridge along with widening the bridge to provide two 12-foot lanes with a 10-foot shoulder in both directions.

Replacement and widening of the bridge will provide a bridge cross-section that meets the current American Association of Transportation Officials (AASHTO) and VDOT geometric requirements and provide increased safety measures by widening the shoulders along the bridge. Route 105 is the main artery to the Joint Base Langley-Eustis (JBLE) main entrance gate to I-64. Previous appropriations in the amount of $3,600,000 have partially funded the project. The City received $5,100,000 in State of Good Repair funding for this project along with VDOT Revenue Sharing funds.
The Honorable City Council
Page 2
Ft Eustis Blvd Bridge over Lee Hall Reservoir Replacement Project
September 4, 2019

Funding is available from the FY 2020 Virginia Department of Transportation (VDOT) State Revenue Sharing Program of $3,600,000, with the City’s match of $3,600,000 available from the FY 2020 Bond Authorization, Streets and Bridges Category along with the $5,100,000 State of Good Repair funding. This will fully fund the project.

I recommend approval.

Cynthia D. Rohlf

CDR:CDB:plw

Attachment

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

A RESOLUTION APPROPRIATING FUNDS FROM REVENUE FROM THE COMMONWEALTH AND BONDS AUTHORIZED AND UNISSUED TO ROUTE 105 (FORT EUSTIS BOULEVARD) BRIDGE OVER THE NEWPORT NEWS (LEE HALL) RESERVOIR.

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

That it hereby appropriates funds from Revenue from the Commonwealth and Bonds Authorized and Unissued to Route 105 (Fort Eustis Boulevard) Bridge over the Newport News (Lee Hall) Reservoir Replacement Project, as follows:

Appropriation From:

Revenue from the Commonwealth
4300-000-00-0000-482000-000000-0000-J3043-J3043 $ 8,700,000.00

Bonds Authorized and Unissued
4104-250-70-700J-579000-000000-2020-00000-J0000 $ 3,600,000.00

Appropriation To:

Route 105 (Fort Eustis Boulevard)
Bridge over the Newport News (Lee Hall) Reservoir
4300-250-70-700J-579420-000000-0000-J3043-J3043 $ 8,700,000.00

4104-250-70-700J-579420-000000-2015-00000-J3043 $ 3,600,000.00
ACTION:
A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE STANDARD PROJECT ADMINISTRATION AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA (CITY) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE FORT EUSTIS BOULEVARD BRIDGE REPLACEMENT OVER THE NEWPORT NEWS RESERVOIR PROJECT.

BACKGROUND:
- The City has received State of Good Repair and State Revenue Sharing funding to support the construction of the Route 105 Bridge over the Newport News Reservoir Replacement project.

- The resolution will allow the City Manager to execute the revised Project Administration Agreement for the project and enter into any and all agreements necessary for the administration of the project.

- The City Manager recommends approval.

FISCAL IMPACT:
- N/A

ATTACHMENTS:
Description
Memo to HCC re Ft Eustis Blvd over Lee Hall Reservoir Rplcmnt Proj 9.4.19
Auth PAA btwn VDOT & City UPC#105624
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Fort Eustis Boulevard Bridge over the Lee Hall Reservoir Replacement Project

City Council is requested to approve a resolution appropriating additional funds in the amount of $12,300,000 and to authorize the City Manager to execute the revised Virginia Department of Transportation (VDOT) Project Administration Agreement and to enter into any and all agreements necessary for the completion of the Fort Eustis Boulevard (Route 105) Bridge over the Lee Hall (Newport News) Reservoir Replacement project. VDOT has requested the City adopt a new resolution as the project received VDOT State of Good Repair funds to augment the previous Revenue Sharing funds.

The 658-foot long Route 105 Bridge over the Newport News Reservoir is considered structurally deficient based on the National Bridge Inspection Standards (NBIS) inspection performed in September 2018 and is nearing the end of its useful service life. A preliminary engineering study of the replacement and repair alternatives was completed in 2016 with a recommendation for a complete replacement of the bridge along with widening the bridge to provide two 12-foot lanes with a 10-foot shoulder in both directions.

Replacement and widening of the bridge will provide a bridge cross-section that meets the current American Association of Transportation Officials (AASHTO) and VDOT geometric requirements and provide increased safety measures by widening the shoulders along the bridge. Route 105 is the main artery to the Joint Base Langley-Eustis (JBLE) main entrance gate to I-64. Previous appropriations in the amount of $3,600,000 have partially funded the project. The City received $5,100,000 in State of Good Repair funding for this project along with VDOT Revenue Sharing funds.
The Honorable City Council  
Ft Eustis Blvd Bridge over Lee Hall Reservoir Replacement Project  
September 4, 2019  

Funding is available from the FY 2020 Virginia Department of Transportation (VDOT) State Revenue Sharing Program of $3,600,000, with the City’s match of $3,600,000 available from the FY 2020 Bond Authorization, Streets and Bridges Category along with the $5,100,000 State of Good Repair funding. This will fully fund the project.  

I recommend approval.  

[Signature]  
Cynthia D. Rohlf  

CDR:CDB:plw  

Attachment  

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

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN STANDARD PROJECT ADMINISTRATION AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION FOR THE FORT EUSTIS BOULEVARD BRIDGE REPLACEMENT OVER NEWPORT NEWS RESERVOIR PROJECT (UPC #105624).

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Standard Project Administration Agreement by and between the City of Newport News, Virginia, and the Commonwealth of Virginia, Department of Transportation for the Fort Eustis Boulevard Bridge Replacement Over Newport News Reservoir Project (UPC #105624) (the “Project”), and further to execute such other documents as may be necessary for completion of this project.

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

3. That this resolution shall be in effect on and after the date of its adoption, September 10, 2019.

BE IT FURTHER RESOLVED THAT: The City of Newport News hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way, and construction of this project in accordance with the project financial documents, subject to appropriation.
STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects

<table>
<thead>
<tr>
<th>Project Number</th>
<th>UPC</th>
<th>Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>0105-121-R92</td>
<td>105624</td>
<td>City of Newport News</td>
</tr>
</tbody>
</table>

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 has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

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

1. The LOCALITY shall:
   a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in 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 prior written authorization from the DEPARTMENT to proceed with the project.
   c. Administer the project(s) in accordance with guidelines applicable to 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 Funded Projects or in another manner as prescribed by the DEPARTMENT.
   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 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.

h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY’s match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.

i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements.

j. If legal services other than that 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.

2. 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 1.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.

3. Appendix A identifies the funding sources for the project, 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.

4. 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 of Virginia, 1950, as amended.

5. 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 is anticipated to exceed the allocation shown for such respective Project on 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.

6. Nothing in this agreement shall be construed as a waiver of the LOCALITY’s or the Commonwealth of Virginia’s sovereign immunity.

7. 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.

8. 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 of 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 the 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,
receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. 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 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

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 the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

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.

THIS AGREEMENT supersedes the Programmatic Project Administration Agreement, dated 07/03/2013, that this project was previously made part of.

The remainder of this page is BLANK
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:

__________________________________________________________  APPROVED AS TO FORM:
Cynthia D. Rohlf
Typed or printed name of signatory
City Manager
Title
Date

ATTEST:

__________________________________________________________  Date
City Clerk
Title

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:

__________________________________________________________  Date
Chief of Policy
Commonwealth of Virginia
Department of Transportation

__________________________________________________________  Date
Signature of Witness

Attachment
Appendix A UPC# 105624
**Appendix A Revision 2**

**Project Number:** 0105-121-R02  
**UPC:** 166534  
**CFDA #:** N/A  
**Locality:** City of Newport News  
**Date:** 7/24/2019

---

**Project Location**  
ZIP+: 23608-1104  
Locality DUNS #: 808-755-085  
Locality Address (incl ZIP+4): 2400 Washington Avenue Newport News, VA 23607-4301

---

**Project Narrative**

**Scope:** Fort Eustis Boulevard Bridge Replacement over NN Reservoir  
**From:** Warwick Boulevard  
**To:** 300 feet east of the Lee Hall Reservoir  
**Locality Manager Contact Info:** Carolyn Bowman Phone: 757-626-3667  
**Department Project Coordinator Contact Info:** Chelsea Villafieres Phone: 757-626-3004

---

**Project Estimates**

<table>
<thead>
<tr>
<th></th>
<th>Preliminary Engineering</th>
<th>Right of Way &amp; Utilities</th>
<th>Construction</th>
<th>Total Estimated Cost</th>
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**Project Cost and Reimbursement**

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<tr>
<th>Phase</th>
<th>Estimated Project Costs</th>
<th>Funds Type</th>
<th>Local % Participation</th>
<th>Local Share Amount</th>
<th>Maximum Reimbursement (Estimated Cost - Local Share)</th>
<th>Estimated Reimbursement in Local (Max. Reimbursement - Est. VDOT Expenses)</th>
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<tbody>
<tr>
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<td></td>
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<td></td>
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<td></td>
<td>$11,700,000</td>
<td>$11,665,125</td>
<td>$0</td>
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**Total Maximum Reimbursement by VDOT to Locality (Less Local Share):** $11,700,000  
**Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses):** $11,665,125

---

**Project Financing**

<table>
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<tr>
<th>SGR Bridge</th>
<th>Revenue Sharing State Match</th>
<th>Revenue Sharing Local Match</th>
<th>Urban</th>
<th>Local Match</th>
<th>Local Funds - &quot;EFUFLAP&quot;</th>
<th>Aggregate Allocations</th>
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<td>$4,150,000</td>
<td>$4,150,000</td>
<td>$2,150,000</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$24,000,000</td>
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</tbody>
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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.  
- The Locality will be responsible for any additional funding in excess of $11,700,000.  
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.  
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.  
- This project has Revenue Sharing Program allocations. Per §33.3-357 the project must progress in order to prevent these funds from being deassigned.  
- Revenue Sharing Funds, as indicated in the Project Financing section, were approved in the following Fiscal Years:
  
  - FY15 - $1,100,000 ($650,000 VDOT, $450,000 City)  
  - FY16 - $1,100,000 ($500,000 VDOT, $600,000 City)  
  - FY17 - $6,750,000 ($3,250,000 VDOT, $3,500,000 City)  

- This project shall meet all applicable ADA requirements.  
- Local Funds - "EFUFLAP" are under a separate agreement between the locality and EFL, VDOT is not a party.  
- This standard agreement replaces the Programmatic Project Administration Agreement that this project was previously under and supersedes all previous versions signed by the Locality and VDOT.  
- Allocated funding expended under the Programmatic Project Administration agreement that is being replaced by this standard agreement equals: $219,217.60 as of 6/2/19 in accordance with Project PCOD.

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

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**Authorized Locality Official and Date**

**Authorized VDOT Official and Date**

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**Type or printed name of person signing**

**Revised:** July 3, 2018

**Type or printed name of person signing**
H. Appropriations

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

1. Department of Libraries and Information Services – Neisser Bequest: Main Street Library – $51,290.17

2. Department of Engineering – Regional Surface Transportation Program (RSTP) Funds, ($2,984,472.00) Congestion Mitigation and Air Quality (CMAQ) Funds ($4,564,315.00), and Intercity Passenger Rail Operating Cost (IPROC) Funds ($14,500,000.00): Newport News Transportation Center Project – $22,048,787.00
H. Appropriations

1. Department of Libraries and Information Services – Neisser Bequest: Main Street Library – $51,290.17

A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $51,290.17 OF INTEREST EARNED IN FY 2019 FROM THE NEISSER BEQUEST TO THE NEWPORT NEWS DEPARTMENT OF LIBRARIES AND INFORMATION SERVICES FOR THE MAIN STREET LIBRARY.

BACKGROUND:
- On April 12, 2005, Dr. Herbert H. Neisser left a bequest of approximately $2 million to the Main Street Library.
- Adopted guidelines state that 85% of the interest earned each year is to be used for projects that directly benefit the Main Street Library, with the remaining 15% returned to the endowment.

FISCAL IMPACT:
- Interest earned in FY 2019 was $60,341.38, making $51,290.17 available to the Main Street Library.
- No local funds are required for this appropriation.
- The City Manager recommends approval.

ATTACHMENTS:
Description
Memo to HCC re Use of Neisser Interest Funds 8.7.19
sdm17019 Appropriation re Libraries Neisser Bequest
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

September 4, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: FY2020 Use of Neisser Interest Funds

Dr. Herbert H. Neisser left a bequest of approximately $2 million to the Main Street Library of the Newport News Public Library System. On April 12, 2005, City Council formally acknowledged and accepted all distributions to be made from the Herbert H. Neisser Revocable Trust and the Neisser Irrevocable Charitable Remainder Trust. The Library Board of Trustees developed guidelines for the use of the bequest. On July 10, 2007, City Council acknowledged the Guidelines and directed the City Manager and Treasurer to apply the Guidelines in the course of the management and investment of the trust funds.

The adopted Guidelines state that 85% of the interest earned each year is to be used for projects that directly benefit the Main Street Library with the remaining 15% returned to the endowment. For Fiscal Year 2019, $60,341.38 in interest was earned. Based on these Guidelines, $51,290.17 is available for disbursement. The Director of Libraries and Information Services recommends $43,596.65 for adult programming, STEAM youth programming targeted to homeschoolers, and the creation of the Neisser Digital Design Lab. Furthermore, it is recommended that $7,693.53 fund the Neisser Speaker Series, which is to be a local history program and exhibit in the Virginian Room.

I recommend approval of the resolution to distribute $51,290.17 in FY2020 based on interest earned from the Herbert H. Neisser bequest to the Main Street Library in accordance with the recommendations of the Library Board of Trustees. No other local funds are required for this resolution.

Cynthia D. Rohlf

cc: Alan Archer, Assistant City Manager
    Sonia Alcántara-Antoine, Director, Libraries and Information Services
    Marty Eubank, Office of the Treasurer
    Collins L. Owens, Jr., City Attorney, City Attorney’s Office

G:\Cindy Rohlf\1 CM CORRESPONDENCE\Correspondence\2019\9September\Memo to HCC re Use of Neisser Interest Funds 8.7.19.docx
RESOLUTION NO. ______________

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE TO NEISSER SPEAKER SERIES AND TRAVEL-TRAIN/MEETING.

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

That it hereby appropriates funds from Local Revenue to Neisser Speaker Series and Travel-Train/Meeting, as follows:

| Appropriation From: |  | Appropriation To: |  |
|---------------------|  |-------------------|  |
| Local Revenue       |  | Neisser Speaker Series |  |
| 2650-000-38-3890-481000-000000- |  | 2650-000-38-3890-530100-000000- |  |
| 0000-38B40-38B40   | $ 51,290.17 | 0000-38B40-38B40 | $ 7,693.52 |
| Travel-Train/Meeting|  | Travel-Train/Meeting |  |
| 2650-000-38-3890-555040-000000- |  | 2650-000-38-3890-555040-000000- |  |
| 0000-38B40-38B40   | $ 43,596.65 | 0000-38B40-38B40 |  |

H. Appropriations

2. Department of Engineering – Regional Surface Transportation Program (RSTP) Funds, ($2,984,472.00) Congestion Mitigation and Air Quality (CMAQ) Funds ($4,564,315.00), and Intercity Passenger Rail Operating Cost (IPROC) Funds ($14,500,000.00): Newport News Transportation Center Project - $22,048,787.00

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $22,048,787.00 FOR THE NEWPORT NEWS TRANSPORTATION CENTER PROJECT FROM REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) GRANT FUNDS ($2,984,472.00), CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT FUNDS ($4,564,315.00), AND INTERCITY PASSENGER RAIL OPERATING COST FUNDS (IPROC) GRANT FUNDS ($14,500,000.00).

BACKGROUND:

• The Transportation Center facility will include a multimodal train station located at 500 Bland Boulevard, with a train service facility located at the Sluice Mill area of the City adjacent to the CSX right-of-way.

• The City has secured Congestion Mitigation and Air Quality (CMAQ) funds and Intercity Passenger Rail Operating Costs (IPROC) funds for the construction phase of this project.

• This appropriation will complete the construction funding of the Newport News Transportation Center Project.

FISCAL IMPACT:

• No City matching funds are required.

• Funding of $2,984,472.00 is available from Regional Surface Transportation Program (RSTP) grant funds, $4,564,315.00 is available from Congestion Mitigation and Air Quality (CMAQ) grant funds, and funding of $14,500,000.00 is available from Intercity Passenger Rail Operating Costs (IPROC) grant funds.

• The City Manager recommends approval.

ATTACHMENTS:

Description
Memo to HCC re NN Transportation Center Project 9.4.19
Attachment Location Map
sdm17017 Appropriation re Newport News Transportation Center
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Newport News Transportation Center - Project Appropriation

City Council is requested to approve a resolution appropriating $22,048,787.00 for the construction of the Newport News Transportation Center Project. Funding of $2,984,472.00 is available from the Regional Surface Transportation Program (RSTP) grant funds, $4,564,315.00 from Congestion Mitigation and Air Quality (CMAQ) grant funds, and $14,500,000.00 from the Intercity Passenger Rail Operating Costs (IPROC) grant funds.

The Transportation Center facility will include a multimodal train station located at 500 Bland Boulevard with a train service facility located at the Sluice Mill area of the City adjacent to the CSX right-of-way. The City has secured Regional Surface Transportation Program (RSTP) funds, Congestion Mitigation and Air Quality (CMAQ) funds and Intercity Passenger Rail Operating Costs (IPROC) funds for the construction phase of this project. No City matching funds are required.

This appropriation will complete the scheduled funding of the Newport News Transportation Center. Previous Council appropriations have funded the design, right-of-way, and partial construction funding for this project as the funds became available. The previous appropriations consisted of $6,000,000.00 (IPROC), $6,760,752.00 (RSTP), $9,759,806.00 (CMAQ) and $185,547.00 in City matching funds totaling $24,872,817.00. The project is scheduled to bid in three phases beginning in the winter of 2019 and ending in the spring of 2020. Construction of the three phases is expected to be completed in the fall of 2021.

I recommend approval.

Cynthia D. Rohlf

CDR:VPU:wjr

Attachment

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

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE - INTERCITY PASSENGER RAIL OPERATING COSTS, STATE REVENUE - CONGESTION MITIGATION AND AIR QUALITY GRANT FUNDS, STATE REVENUE - REGIONAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS AND FEDERAL REVENUE - REGIONAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS AND FEDERAL REVENUE - CONGESTION MITIGATION AND AIR QUALITY FUNDS TO NEWPORT NEWS TRANSPORTATION CENTER.

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

That it hereby appropriates funds from State Revenue - Intercity Passenger Rail Operating Costs, State Revenue - Congestion Mitigation and Air Quality Grant Funds, State Revenue - Regional Surface Transportation Program Grant Funds and Federal Revenue - Regional Surface Transportation Program Grant Funds and Federal Revenue - Congestion Mitigation and Air Quality Grant Funds to Newport News Transportation Center, as follows:

Appropriation From:

State Revenue - Intercity Passenger Rail Operating Costs
4300-000-00-0000-482011-CNN001-0000-J3030-J3030 $ 12,785,567.00

4300-000-00-0000-482011-000000-0000-J3030-J3030 $ 1,714,433.00

State Revenue - Congestion Mitigation and Air Quality Grant Funds
4300-000-00-0000-482000-109075-2012-J3030-J3030 $ 3,938,579.00

State Revenue - Regional Surface Transportation Program Grant Funds
4300-000-00-0000-482000-109076-2012-J3030-J3030 $ 596,894.00

Federal Revenue - Regional Surface Transportation Program Grant Funds
4300-000-00-0000-483000-109076-2012-J3030-J3030 $ 2,387,578.00
Federal Revenue - Congestion Mitigation and Air Quality Grant Funds
4300-000-00-0000-483000-000000-2012-J3030-J3030 $ 625,736.00

Appropriation To:

Newport News Transportation Center
4300-250-70-700J-579420-CNN001-0000-J3030-J3030 $ 12,785,567.00

4300-250-70-700J-579420-109076-0000-J3030-J3030 $ 4,698,905.00

4300-250-70-700J-579420-109075-0000-J3030-J3030 $ 3,938,579.00

4300-250-70-700J-579400-000000-2012-J3030-J3030 $ 625,736.00
I. Citizen Comments on Matters Germaine to the Business of City Council

J. Old Business, New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Jenkins
Price
Scott
Vick
Woodbury
Cherry
Harris

K. Adjourn

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