

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
MAY 24, 2016
7:00 P.M.**

PRESENT: Robert S. Coleman; McKinley L. Price; DDS; Sharon P. Scott; Tina L. Vick;
Herbert H. Bateman, Jr.; and Saundra N. Cherry, D. Min.-----6

ABSENT: Dr. Patricia P. Woodbury-----1

A. Call to Order

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

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

Mayor Price invited all in attendance to observe a moment of silence in honor of Mr. Arthur Keyes, long-term resident of North Newport News, and frequent attendee of City Council meetings.

B. Invocation

The invocation was rendered by Reverend Terrye Williams, Hilton Christian 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 Vice Mayor Roberts S. Coleman.

MOTION MADE BY COUNCILWOMAN SHARON SCOTT; SECONDED BY VICE MAYOR ROBERT COLEMAN; AND CARRIED UNANIMOUSLY, TO EXCUSE COUNCILWOMAN WOODBURY FROM THIS MEETING.

D. Presentations

1. Resolution in Memoriam: Virginia State Police Trooper Chad P. Dermyer

Mrs. Michelle Dermyer accepted the resolution.

Mayor Price, on behalf of the members of the Newport News City Council, expressed sympathy for the untimely and tragic death of Virginia State Trooper Chad P. Dermyer, on March 31, 2016, as a result of gunshot wounds received in the line-of-duty.

D. Presentations Continued

1. Resolution in Memoriam: Virginia State Police Trooper Chad P. Dermeyer
Continued

A native of Jackson, Michigan, Trooper Dermeyer also served in the Newport News Police Department from 2003 until 2007, and spent four years as a member of the U. S. Marine Corps. He graduated from the Virginia State Police Academy in November 2014, where his original assignment was to the Chesapeake Division's Area 46 Office, encompassing the Cities of Newport News and Hampton. He was soon thereafter transferred to the State Police Counter-Terrorism and Criminal Interdiction Unit.

Trooper Dermeyer, a dedicated law enforcement officer and well-regarded member of the Newport News Police Department, was survived by his wife Michelle, a son, Phillip, and a daughter, Page.

Mayor Price, on behalf of the members of the Newport News City Council, recognized and honored Trooper Chad Dermeyer for his service in defending his country, to the City of Newport News, and to the Commonwealth of Virginia.

2. Resolution of Recognition: 20th Anniversary of Paul S. Tribble, Jr., as President of Christopher Newport University (CNU)

President Paul S. Tribble, Jr. and his wife, Rosemary, accepted the resolution.

Mayor Price shared a portion of Mr. Paul Tribble's background, including, but not limited to, having served as the Commonwealth's Attorney for Essex County from 1974 to 1976; member of the United States House of Representatives from 1977 to 1983; and as a member of the United States Senate. Mr. Tribble was appointed President of Christopher Newport University (CNU) on January 2, 1996. Under his leadership, the University underwent dramatic physical and academic transformations. His commitment to providing a first-rate liberal arts education led to significant changes and improvements in CNU's academic programs and reputation.

Mayor Price, on behalf of the members of the Newport News City Council, recognized and honored Mr. Paul S. Tribble, Jr. for 20 years of distinguished service as President of Christopher Newport University, his many valuable contributions to CNU, the City of Newport News, the Hampton Roads Region, and the Commonwealth of Virginia.

3. Resolution of Recognition: 50th Anniversary of Newport News Park

Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, accepted the resolution. He was accompanied by Mr. Andy Lunsford, Parks Operation Superintendent, and Mr. Rob Farrell, Chief Park Ranger.

D. Presentations Continued

3. Resolution of Recognition: 50th Anniversary of Newport News Park Continued

Mayor Price advised that Newport News Park was dedicated on May 28, 1966, and would celebrate the 50th Anniversary of its dedication on May 27, 2016. He stated, at 7,711 acres, Newport News Park was one of the largest municipal parks east of the Mississippi River. He indicated that Mr. Joseph C. Biggins, Newport News City Manager from 1925 to 1965, was credited with the idea of the park. The City's Department of Planning proposed the development of the area as a recreational facility in 1962, and the City Council made the first appropriation to implement the plan and authorized commencement of the first phase of development of the park. Newport News Park was dedicated to the citizens of Newport News on May 28, 1966, for permanent year-round recreation and enjoyment.

Newport News Park offered over 30 miles of hiking, biking, and horseback riding trails, an arboretum with seasonal flora, playgrounds and 18 picnic shelters, a 30-acre aeromodel flying field, 188 campsites, an all-terrain mountain bike trail, an archery range, a Discovery Center with nature and history exhibits, two 18-hole public golf courses with a Pro Shop and driving range, an 18-hole disc golf course, and a Japanese Peace Garden that contained an authentic Japanese Tea House. Newport News Park, comprised a diverse ecosystem of forests, meadows, wetlands, and lakes, and combined with its recreational opportunities, the natural beauty and tranquility served to enhance the quality of life for residents and visitors.

Mayor Price, on behalf of the members of the Newport News City Council, recognized Newport News Park on the 50th Anniversary of its dedication, and acknowledged the many civic leaders and City employees and volunteers who supported the Park.

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club for the Operation of a Mini-Storage Warehouse, Single-Entrance Interior Storage Facility on Two (2) Parcels Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-15-353 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE CONSTRUCTION AND OPERATION OF A MINI-STORAGE WAREHOUSE – SINGLE ENTRANCE IN A C1 RETAIL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club, for the operation of a mini-storage warehouse, single-entrance, interior storage facility on two (2) parcels, 1.64 acres, located at 12445 and 12447 Warwick Boulevard and zoned C1 Retail Commercial. The applicant proposed to adaptively re-use the former indoor tennis facility and add a new addition for a climate controlled mini-storage warehouse facility. The

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club for the Operation of a Mini-Storage Warehouse, Single-Entrance Interior Storage Facility on Two (2) Parcels Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial Continued

request was consistent with the *Framework for the Future 2030 Comprehensive Plan* land use map and was compatible with surrounding uses. On May 4, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of this request with conditions. The City Manager did not make a recommendation.

Mr. Tim Trant, Attorney with Kaufman & Canoles, 11815 Fountain Way, Suite 400, Newport News, representing the applicant, submitted a request for deferral of this matter to the June 28, 2016 Regular Meeting of City Council (a copy of the letter is attached and made a part of these minutes).

Vice Mayor Coleman moved to defer this matter to the June 28, 2016 Regular Meeting of City Council; seconded by Councilwoman Vick.

Councilman Bateman filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112 of the Virginia Conflict of Interest Act, for the City Council Agenda of May 24, 2016, (i) the City Manager recommended to the Newport News City Council approval of a conditional use permit by ordinance (CU-16-353, "the transaction"); (ii) that the applicant for the said conditional use permit is Centre Court Racquet Club; (iii) that TowneBank was a potential lender for the project; (iv) that he was an employee of TowneBank, and that certain of the potential purchasers of the facility were clients of the bank; however, he did not personally represent or provide services to either; (v) that he had no personal interest affected by the transaction; and (vi) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – May 24, 2016; and is attached and made a part of these minutes).

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUM-

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial Continued

BER CU-16-364 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF A SMALL MOTOR VEHICLE REPAIR SERVICE FACILITY ON A SITE ZONED C2 GENERAL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-16-364, to Lloyd Allyn Julien, Jr., Trustee of the Lloyd Allyn Julien Jr., Revocable Trust, for the construction and operation of a small motor vehicle repair and service facility on property located at 12011 and a portion of 12001 Jefferson Avenue and zoned C2 General Commercial. The proposed new use, Discount Tires, would be built on a vacant parking lot. Property improvements included a new full-brick structure with bays oriented to the rear of the property, as well as new landscaping. The request was consistent with the *Framework for the Future 2030* Comprehensive Plan land use map. On May 4, 2016, the Planning Commission voted unanimously 9:0 to recommend approval of this request with conditions. The City Manager recommended approval.

Mr. Joe S. Frank, 2 Madison Circle, Newport News, Attorney with David, Kamp, and Frank, representing the applicant, advised that this business had 600 branches around the United States and expected to do \$3 to \$4 million worth of business in this specific location in Newport News, which would generate sales tax. They expected to employ 10-15 people, from the community, promoted from within, paid good salaries, with benefits, and would be beautifully landscaped. He added there would be no signs or storage out front, tires would be stored inside, and collected on a regular basis by a licensed employee that could also dispose of the tires under federal guidelines. Mr. Frank advised that it was a misnomer that this was a car repair operation, as it only sold and installed tires. The reason it was referred to as a small motor repair shop was because this was how the ordinance described the use, which included a tire sales and installation facility. The business prided itself on the cleanliness and appearance of the building. This business would block the view of the storage facilities behind it on Jefferson Avenue. It would be an attractive architectural addition to the community. He urged City Council support of Conditional Use Permit, CU-16-364, for the property located at 12011 and a portion of 12001 Jefferson Avenue, allowing the operation of a small motor vehicle repair service facility.

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

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial Continued

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

Councilwoman Scott inquired why the business was called an auto repair shop if they did not repair vehicles. Mr. Frank replied, under Category C2 of the zoning ordinance, small motor vehicle repair was listed as a shop, but in parenthesis, the ordinance listed tire sales and installation. He indicated it was the category that for which the code provided. The conditions for approval described the business as a tire sales and installation facility, with no repairs being made.

Councilwoman Scott inquired what would be needed to properly classify the business and have a category of its own. She stated there would be a proliferation of tire companies on the horizon. Ms. Sheila McAllister, Director, Department of Planning, replied that the business would have to be defined separately. She advised that this specific business was included with small motor vehicle repair mainly because the facilities were similar. Once the facility was actually built, it could be used as a small motor vehicle repair shop. The tire shops tended to have lifts, and were set up like a small motor vehicle repair shop, which was the reason it fell under the category. Councilwoman Scott stated that a huge lot was not required, and her concern, if it encroached on a residential community, beginning as a tire repair facility, but later became a repair shop, there would be major outcry from the community when the cars began to line up on the streets. Ms. McAllister stated that a tire shop would need to be removed from the definition of a small motor vehicle repair business, which was something that could be looked into.

Councilman Bateman filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112 of the Virginia Conflict of Interest Act, for the City Council Agenda of May 24, 2016, (i) the City Manager recommended to the Newport News City Council approval of a conditional use permit by ordinance (CU-16-364, "the transaction"); (ii) that the applicant for the said conditional use permit is the Lloyd Allyn Julien, Jr. Revocable Trust; (iii) that he was an employee of TowneBank, and Lloyd Allyn Julien, Jr. is a client of the bank; however, he did not personally represent or provide services to him; (iv) that he had no personal interest affected by the transaction; and (v) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – May 24, 2016; and is attached and made a part of these minutes).

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial Continued

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

3. Ordinance Authorizing Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris & the Digges Co., for the Construction and Operation of a Restaurant with Drive-through Service on Property Located at 13921 Jefferson Avenue and a Portion of 14523 Jefferson Avenue and Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-365 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE CONSTRUCTION AND OPERATION OF A RESTAURANT WITH DRIVE THROUGH SERVICE IN THE LEE HALL CORRIDOR OVERLAY DISTRICT AND ZONED C1 RETAIL COMMERCIAL. This ordinance authorized Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris, and the Digges Company to allow for the construction and operation of a Burger King Restaurant with drive-through service on property located at 13921 Jefferson Avenue and a portion of 14523 Jefferson Avenue and zoned C1 Retail Commercial. The property was located in the Lee Hall Corridor Overlay District, which required a conditional use permit for a restaurant with drive-through service and a review of the proposed improvements by its Review Committee. On March 30, 2016, the Lee Hall Corridor Overlay District Review Committee approved the proposed building and site improvements by a 6:1 vote. The request was consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and was compatible with surrounding uses. On May 4, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions. The City Manager recommended approval.

Mr. Bobby Singley, a Commercial Real Estate Broker, with RJS and Associates, Inc., 423 N. Boundary Street, Williamsburg, represented the applicant CCJ, a licensed Burger King franchisee, which owned and operated 15 Burger Kings, including four located in the City of Newport News. They worked closely with staff to ensure the project met the requirements set forth by the zoning ordinance, and complied with the design guidelines of the Lee Hall Corridor Overlay District. Mr. Singley stated that this Burger King Restaurant would be constructed primarily of brick, with stone accents, and would not look like the typical Burger King. The building signage was reduced to a button sign with the Burger King logo. Parking would be located in the rear of the building, making it less visible from Jefferson Avenue. Low profile LED light fixtures would be used to illuminate the parking lot. There would be a 20-foot

E. Public Hearings Continued

3. Ordinance Authorizing Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris & the Digges Co., for the Construction and Operation of a Restaurant with Drive-through Service on Property Located at 13921 Jefferson Avenue and a Portion of 14523 Jefferson Avenue and Zoned C1 Retail Commercial Continued

heavily landscaped buffer along Jefferson Avenue. Mr. Singley advised that there had been a meeting of the property owners in the surrounding area, and a letter of support was received from the property owner abutting the proposed site to the east. He urged City Council's favorable consideration of Conditional Use Permit, CU-16-365, for the construction and operation of a Burger King Restaurant with drive-through service on property located at 13921 Jefferson Avenue.

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

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

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

Councilwoman Scott commented that this proposed Burger King Restaurant would be an added value to the area in Lee Hall. There was very little movement there, and any opportunity to provide additional services to that area in the North District, and bring life to an area that needed "cheering up" was awesome. She thanked Mr. Singley and associates for bringing this business to Newport News.

Councilman Bateman filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112 of the Virginia Conflict of Interest Act, for the City Council Agenda of May 24, 2016, (i) the City Manager would discuss with the Newport News City Council the sale of private rights/ownership in City Center and some action by the City may be necessary to effectuate the sale; (ii) that Towne Bank had the possibility of being the financing agent for the purchaser of the said property; (iii) that TowneBank was a group of three or more persons the members of which were directly affected by the transaction in question; (iv) that he was employed as an Executive Vice President of TowneBank, but would not receive any direct compensation from the TowneBank financing previously mentioned, and the purchaser was not a personal client of his at TowneBank; and (v) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – May 24, 2016; and is attached and made a part of these minutes).

E. Public Hearings Continued

3. Ordinance Authorizing Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris & the Digges Co., for the Construction and Operation of a Restaurant with Drive-through Service on Property Located at 13921 Jefferson Avenue and a Portion of 14523 Jefferson Avenue and Zoned C1 Retail Commercial Continued

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

4. Ordinance Approving an Easement to Lumos Networks, Inc. for a 10-foot Wide Utility Easement for the Installation of Fiber Optic Cable on City-owned Property Located at 100 City Farm Road

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 AND LUMOS NETWORKS, INC., DATED THE 24TH DAY OF MAY, 2016, FOR AN EASEMENT TO INSTALL FIBER OPTIC CABLE ON CERTAIN CITY-OWNED PROPERTY LOCATED AT 100 CITY FARM ROAD IN THE CITY OF NEWPORT NEWS. This ordinance authorized and directed the City Manager to execute a Deed of Easement by and between the City of Newport News, Virginia, and Lumos Networks, Inc. (Lumos) for a 10-foot wide utility easement for the installation of fiber optic cable on City-owned property located at 100 City Farm Road. A request was received from Lumos to grant a utility easement to accommodate the installation of fiber optic cable to the privately-owned telecommunications tower located on the parcel. The expiration of the easement on April 30, 2020, coincided with the City's land lease to the owner of the telecommunication tower to ensure the City had the maximum flexibility should the land lease not be renewed. Lumos agreed to the fair market value of \$300 for the short-term utility easement. The City Manager recommended approval.

City Attorney Owens advised that the application for this item had been withdrawn (a copy of an e-mail message from Lumos Networks, Inc., rescinding the easement request is attached and made a part of these minutes).

(No registered speakers)

F. Consent Agenda

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

1. Minutes of the Work Session of May 10, 2016

F. Consent Agenda Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

2. Minutes of the Special Meeting of May 10, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

3. Minutes of the Regular Meeting of May 10, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

4. Resolution of Recognition: 25th Anniversary of Newport News Public Schools-Television (NNPS-TV), *Sports Highlights*

A Resolution of Recognition honoring the 25th Anniversary of the Newport News Public Schools-Television (NNPS-TV), *Sports Highlights*. Since its debut on NNPS-TV in February 1992, *Sports Highlights* featured more than 500 guests, including many athletic legends and public figures. The show was created by Mr. Paul Cummings, who served as the first Executive Producer, and who oversaw the program from 1992 to 2004. Through his interviews, *Sports Highlights'* host, Mr. Greg Bicouvaris, encouraged guests to share insights and perspectives on their backgrounds, sports, family lives, and success. Executive Producer and Director, Mr. Ray Price, led a team of student-videographers from NNPS to capture images to illustrate guests' stories. The team of Mr. Greg Bicouvaris and Mr. Ray Price taped shows in the studio and on location throughout Virginia, Washington D.C., and North Carolina, interviewing and connecting their audience to notable sports figures. *Sports Highlights* earned a Communicator Award in 1999 and again in 2005, and was recognized by the Peninsula Sports Club. The longest running show on NNPS-TV, *Sports Highlights* was produced 11 times per year, and had over 230 episodes. The resolution recognized *Sports Highlights*, that as of February 2017, its cast and crew would have provided 25 years of quality programming for the City of Newport News. The City Manager recommended approval.

(No registered speakers)

F. Consent Agenda Continued

4. Resolution of Recognition: 25th Anniversary of Newport News Public Schools-Television (NNPS-TV), *Sports Highlights* Continued

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

5. Resolution Authorizing the City Manager to Execute the Hampton Roads Peninsula Drug Initiative Reciprocal Agreement, formerly called the Peninsula Narcotics Task Force Memorandum of Understanding (MOU)

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 HAMPTON ROADS PENINSULA DRUG INITIATIVE RECIPROCAL AGREEMENT BY AND BETWEEN THE CITY OF HAMPTON, VIRGINIA; THE CITY OF NEWPORT NEWS, VIRGINIA; AND THE VIRGINIA STATE POLICE, BUREAU OF CRIMINAL INVESTIGATION. This resolution authorized and directed the City Manager to execute, on behalf of the City of Newport News, Virginia, the Hampton Roads Peninsula Drug Initiative Reciprocal Agreement (Agreement), formerly called the Peninsula Narcotics Task Force Memorandum of Understanding, by and between the City of Hampton, Virginia, the City of Newport News, Virginia, and the Virginia State Police, Bureau of Criminal Investigation. For several years, the City had been a member of the Peninsula Narcotics Enforcement Task Force, which would be dissolved on June 30, 2016, and replaced by the Hampton Roads Peninsula Drug Initiative. With the dissolution of this named Task Force, a new Agreement was required to replace the Peninsula Narcotics Task Force Memorandum of Understanding (MOU) and recognize the agency's new name. The Hampton Roads Peninsula Drug Initiative Reciprocal Agreement would replace the existing MOU. The purpose of the Agreement was to combine the member agencies' resources with the intent to target the most prolific local, multi-state, and international drug trafficking, and money laundering organizations operating in the Peninsula area of Hampton Roads. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

G. Other City Council Actions

1. 1 of 2: Ordinance Authorizing and Directing the City Manager to Execute Any and All Agreements and Documents Necessary to Purchase Property Located in the Harwood's Mill Reservoir Watershed in York County

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, ANY AND ALL AGREEMENTS AND DOCUMENTS TO IMPLEMENT A PURCHASE OF AN INTEREST IN REAL ESTATE WITHIN THE HARWOOD'S MILL RESERVOIR WATERSHED IN THE COUNTY OF YORK, VIRGINIA. This ordinance authorized and directed the City Manager to execute any and all agreements and documents necessary to implement a purchase of an interest in property located within the Harwood's Mill Reservoir Watershed in York County. This two-part item was required to authorize the City Manager to execute the necessary documents for this transaction and to allocate the funds for the purchase. Acquisition of this property was desired to improve protection of the reservoir, the headwaters of the Poquoson River, and an unnamed tributary within the reservoir watershed. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

2. 2 of 2: Resolution Appropriating \$370,000 from the Waterworks Restricted Land Fund for the Acquisition of Property Located in the Harwood's Mill Reservoir Watershed in York County

A RESOLUTION APPROPRIATING FUNDS FROM WATERWORKS LAND FUND BALANCE TO PURCHASE OF PROPERTY LOCATED NEAR HARWOOD'S MILL RESERVOIR – YORK COUNTY (\$370,000.00). This resolution appropriated \$370,000 from the Waterworks Restricted Land Fund for the acquisition of 11.71 acres in the Harwood's Mill Reservoir Watershed in York County, Virginia. The acquisition of this property allowed Waterworks to improve protection of the reservoir, the headwaters of the Poquoson River and an unnamed tributary within the reservoir watershed. The current York County assessment for this property was \$370,000. The owners of the property offered to sell the property to the City for \$370,000. The \$370,000 appropriation was available in the Waterworks Restricted Land Fund, which was reserved solely for the acquisition of strategic watershed lands. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions

2. 2 of 2: Resolution Appropriating \$370,000 from the Waterworks restricted Land Fund for the Acquisition of Property Located in the Harwood's Mill Reservoir Watershed in York County Continued

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

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

- (3) Resolution Granting Permission for the Use of the City's Rights-of-Way for Telecommunications Purposes and Authorizing the City Manager to Execute a Temporary Non-Revocable License Agreement (TNRLA) by and between the City and CenturyLink Communications, LLC

A RESOLUTION GRANTING PERMISSION TO USE THE CITY'S RIGHTS-OF-WAY FOR TELECOMMUNICATIONS PURPOSES, AND 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 TEMPORARY, NONEXCLUSIVE, REVOCABLE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CENTURYLINK COMMUNICATIONS, LLC, DATED THE 1ST DAY OF JULY, 2016. This resolution granted permission for the use of the City's rights-of-ways for telecommunications purposes. Additionally, it authorized the City Manager to execute a Temporary Non-Revocable License Agreement (TNRLA) by and between the City and CenturyLink, LLC. The existing TNRLA between the City and Qwest Communications Company, LLC, now CenturyLink Communications, LLC, approved by City Council in 2011, would expire on June 30, 2016. CenturyLink requested that the TNRLA be renewed for an additional five-year term. CenturyLink agreed that the provisions of the new instrument should be consistent with that which was previously approved. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

H. Appropriations

Councilwoman Vick moved adoption of Appropriations, Items 1 through 3, as shown below; seconded by Vice Mayor Coleman.

1. Department of Engineering – FY 2016 Bond Authorization, Sewer Rehabilitation Category: Construction of the 28th Street Sanitary Sewer Rehabilitation Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO 28TH STREET SANITARY SEWER REHABILITATION (\$130,000). This resolution appropriated \$130,000 from the FY 2016 Bond Authorization, Sewer Rehabilitation Category for construction of the 28th Street Sanitary Sewer Rehabilitation Project. The project scope included the rehabilitation of an existing sanitary sewer main, abandonment of an existing 6-inch sanitary sewer pipe and replacement of sanitary sewer service laterals along 28th Street from 225-28th Street to Huntington Avenue and Huntington Avenue from 28th Street to 27th Street. These improvements would eliminate an ongoing Public Works maintenance issue and improve the flow of sanitary sewer in the area. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

2. Department of Public Works - FY 2016 Bond Authorization, Environmental Category: Citywide Environmental Sustainability Program

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO CITYWIDE ENVIRONMENTAL SUSTAINABILITY PROGRAM (\$210,000). This resolution appropriated \$210,000 from the FY 2016 Bond Authorization, Environmental Category for the Citywide Environmental Sustainability Program. The Environmental Sustainability Program was related to the initial acquisition of EnergyCAP, the City-wide energy management software tool for continual, measurable, and verifiable energy usage. This phase of the program led to direct and indirect improvements in energy usage, water usage, waste generation, and reduction in greenhouse gas emissions. The comprehensive City-wide Environmental Sustainability Program provided staff the ability to enhance the performance of building systems and generate utility and operational savings. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

H. Appropriations Continued

3. Department of Engineering – FY 2016 Bond Authorization, Sewer Rehabilitation Category: Construction of the Roanoke Avenue Sanitary Sewer Rehabilitation Phase V Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO ROANOKE AVENUE SANITARY SEWER REHABILITATION PHASE V (\$1,500,000). This resolution appropriated \$1,500,000 from the FY 2016 Bond Authorization, Sewer Rehabilitation Category for construction of the Roanoke Avenue Sanitary Sewer Rehabilitation Phase V project. The project scope included the rehabilitation or replacement of the existing deteriorated sanitary sewer mains that run along Roanoke Avenue from 22nd Street to Garden Drive. This effort was the final phase of the ongoing rehabilitation of sanitary sewers on Roanoke Avenue. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Vick, Bateman, Cherry

Nays: None

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

Mr. Antonio Thompson, 1211-25th Street, Newport News, addressed City Council on the topic of the City's treasury enrichment, public safety and security, as well as the importance of recycling. He indicated that 2017 would be a prosperous year in recycling. He encouraged everyone to get involved in the Green Revolution of Recycling.

Mr. Thompson encouraged citizens to support the Newport News Police Foundation. He thanked Mr. Joe Frank for his service to the Newport News Police Foundation.

Mr. Thompson sought someone to help create a Newport News Fire Foundation, which would be just as important for the public safety and security of the community.

Mr. Thompson stated, since there was a requirement for prisons and jails, prisoners should be used profitably. He advised that he personally did not believe in prisons and jails. He also believed in sending a strong message to juveniles. There were people that looked forward to going to prison, but they were not built for that purpose. Prisons were built to correct and deter behavior.

Mr. Thompson discussed the legalization of marijuana and prostitution in an effort to help build up the City's treasury. The legalization of marijuana opened the door to the green revolution, such as recycling and solar power for everyone.

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

Mr. Gerry Smelt, 811 Lancaster Lane, Newport News, presented previously unreported findings and facts related to rezoning application, CZ-16-379. He stated, in a conversation with the Federal Aviation Administration (FAA) Washington Airport District Office, concern was noted about the amount of traffic proposed for the Habersham extension located within the Runway Protection Zone. The FAA requested that an additional traffic analysis be prepared. Regarding trip generation, Mr. Thomas Herbert, a proponent of the rezoning, asserted that peak traffic conditions would worsen under the existing Light Industrial Zoning, which was incorrect applying the ITE Trip Generation Manual. Regarding Traffic Impact Analysis, which examined traffic on various days in the area of the Fredericksburg, Virginia, Wegmans area, Mr. Smelt suggested that a comparative traffic analysis be conducted. Regarding access compatibility, Mr. Smelt stated the primary and secondary points of ingress and egress for the eight Wegmans located in Virginia were from commercially-oriented roadways. In no case was access taken from a roadway whose primary purpose was to service a residential development. Regarding the impact of extra-jurisdictional through traffic, Mr. Smelt advised, in a 2013 rezoning within the York County portion of Kiln Creek, one of the factors considered by County staff in its recommendation for denial, was transportation. The staff cited Virginia Department of Transportation (VDOT) concerns from a previous development in Kiln Creek whose projected additional traffic would reduce the p.m. peak-hour level of service (LOS) at the signalized intersection of Kiln Creek Parkway and Victory Boulevard from LOS C, to LOS D. With the lack of a thorough analysis of FAA concerns, trip generation, traffic impacts, access compatibility, and through traffic, Mr. Smelt stated it was apparent that neither the Planning Commission or City Council had been provided all of the relevant information necessary to make a well-informed decision (a copy of Mr. Smelt's remarks are attached and made a part of these minutes).

Mr. Tom Langjahr, 821 Holbrook Drive, Newport News (was not available to speak when his name was called).

Ms. Diana Smelt, 811 Lancaster Lane, Newport News, addressed City Council regarding the Commercial Retail Rezoning request from the Peninsula Airport Commission (PAC) to build a Wegmans shopping center. She stated that the Kiln Creek Homeowners Association (HOA) felt compelled to negotiate a Memorandum of Agreement (MOA) for easements, signage, lighting, and other aesthetics with the Airport Commission and the Developer before procedurally necessary. She stated that those items could have normally been proffered or handled during site plan development or platting, and not at this stage of the process. She was appalled that the HOA agreed to a "will not oppose" a stance via this MOA without affirmation from the residents that they were elected to represent. They had also agreed per section 5(b) of the MOA, that if a Wegmans is not built, they will "not oppose" the development of a shopping center. By their silence, Ms. Smelt indicated that the HOA had thrown both the Newport News and York County Kiln Creek residents "under the bus." Of equal concern, the City Manager, by being a signatory on the MOA had shown himself willing under the guise as Chairman of the PAC to insert himself in negotiations resulting from a rezoning application in which he repre-

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

sents the landowner. She stated it was not surprising that these negotiations proved to be favorable to the developer. Ms. Smelt provided a copy of the MOA between the Developer, PAC, and the Kiln Creek HOA Board (attached and made a copy of these minutes). She urged members of City Council to oppose the rezoning of the airport property from light industrial to retail commercial (a copy of Ms. Smelt's remarks are attached and made a part of these minutes).

Mr. George Oest, 2218 Halifax Place, Newport News, chose not to speak when his name was called.

Mr. Alan Altschuler, 951 Edgewater Drive, Newport News, addressed City Council about the proposed Wegmans rezoning project, specifically, a couple of items from the Economic Impact Statement, which was prepared September 29, 2015, and revised on March 11, 2016, for the developer. Mr. Altschuler commented on Wegmans bringing in \$100 million in sales per year, which amounted to \$275,000 per day annually. He questioned the amount that other existing businesses would lose in sales. Mr. Altschuler read what the Consultant said about that topic: "Consistent with the mature and sophisticated retail market existing in Newport News, the entry of Plaza at Jefferson tenants into the market, will create no new demand for retail products within the region. Wegmans brings in \$100 million in sales per year, but the other existing grocery stores and restaurants would lose \$100 million in sales." The report also says that approximately 71% of the lost sales were from existing Newport News businesses. Mr. Altschuler stated that existing Newport News restaurants and grocery stores would lose \$71 million in sales. The second fact mentioned was that Wegmans would bring in 500 jobs. According to the report, the number of full-time jobs that Wegmans would bring in totaled 185, with all other jobs being part-time. Mr. Altschuler stated, businesses were losing sales, and the businesses would more than likely cut jobs. He further stated if businesses were losing \$275,000 per day, other businesses would lose jobs. There may not be any jobs as a result.

Ms. Kelly Ng, 1371 Lake Drive, Newport News, a Veterinarian at Ft. Eustis, advised that she and her husband were Millennials. She was told from the May 10, 2016 Meeting that Millennials were trying to push the Wegmans project. Ms. Ng expressed opposition to the rezoning of the airport property for a Wegmans Shopping Center development project at Jefferson Avenue and Brick Kiln Boulevard. She advised that she went to college in New York and was very familiar with Wegmans and what they had to offer. She stated it took her and her husband eight years to save enough money to buy a home, and they chose Newport News because they loved the area. She advised that both she and her husband worked full-time, and had to stick to a budget to be able to pay their bills and maintain their lifestyle. She advised that she and her husband had saved enough to have a wedding in April 2016, but still had their student loans to pay each month, and now have a mortgage payment. She indicated they had to budget in order to accomplish paying off their debt. She further advised that they had to shop at affordable stores. Their experience with Wegmans was that it was not affordable. Other Millennials were probably in the same boat, with student loans, credit card debt, rent, car payments, and other financial obligations, such as health care. Ms. Ng stated they would not be able to afford Wegmans either.

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

She advised that Millennials also budgeted their time – seeking more time to spend with their family and friends, enjoying Newport News, and the green space. They did not want to spend their time in traffic, which was a major concern should the shopping center be constructed. Ms. Ng urged members of City Council to speak with their Millennial constituents, and to ask whether they were interested in having another shopping center and traffic. She asked them to make their opinions matter rather than the few that spoke and sought to profit from a Wegmans development.

Mr. Trevor Selleck Ng, 1371 Lake Drive, Newport News, active duty stationed at Joint Base Langley-Eustis, stated there were multiple grocery stores throughout the Jefferson Avenue/Kiln Creek area – Farm Fresh, Fresh Market, Kroger, Whole Foods, and multiple Food Lions. He did not see the benefit of bringing another. He stated he and his wife were not inclined to shop at Wegmans. He reiterated that that area was notorious for traffic. He did not see how the proposed traffic plan improvements would make traffic better.

J. New Business and Councilmember Comments

Responding to comments made by Mr. Antonio Thompson, City Manager Bourey advised that Newport News did have a Fire Foundation, which was important for funding certain items and products for the Newport News Fire Department.

City Manager Bourey announced a Memorial Day Concert with the United States Air Force Heritage of America Band, on Monday, May 30, 2016, 7:30 p.m., City Center at Oyster Point. The Concert was sponsored by the Virginia Arts Festival. All citizens were encouraged to attend.

Mayor Price recognized efforts of the Mayor's Youth Commission, a wonderful group of students that had great projects during the 2016 year. He announced that the Mayor's Youth Commission held their closing program on Monday, May 23, 2016, 7:30 p.m., at the South Morrison Family Education Center (416 Adams Drive). Seniors in the program addressed the audience, advising of the College they would attend, and their major.

Councilwoman Scott thanked the citizens for their attendance and participation, and for expressing their opinions. She stated that citizens' opinions did matter to the members of City Council.

Councilwoman Scott shared that she had received numerous calls from citizens about mosquitoes. She advised that pesticide spraying for mosquitoes would begin on June 1, 2016.

Councilwoman Scott announced a Ceremony Celebrating the 50th Anniversary of Newport News Park on Friday, May 27, 2016, 11:00 a.m., Shelters 19 and 20. All citizens were invited and welcome to attend.

J. New Business and Councilmember Comments Continued

Councilwoman Scott announced the 28th Annual “Clean the Bay Day,” on Saturday, June 4, 2016, 9:00 a.m. – 12 noon. Interested volunteers were urged to call Mr. Tanner Council at (757) 622-1964.

Councilwoman Scott extended Happy Birthday wishes to Mr. Mike Minarik, who was not attending City Council meetings as often as in the past.

Councilwoman Scott indicated that she was honored to have the presence of Mr. Arthur Keyes in the Council Chambers one last time. (Mr. Keyes was a well-respected citizen in North Newport News that attended City Council meetings for many years. City Council had agreed at the May 17, 2016 City Council Meeting to drape the chair that was reserved for Mr. Keyes for one meeting in his honor). She attended his homegoing (funeral service) on May 10, 2016, at Emmanuel Baptist Church (521 North Avenue). His family was proud that City Council would honor him one last time by reserving his seat at the May 24, 2016 Regular Meeting of City Council.

Councilwoman Vick thanked the citizens for their attendance, particularly the residents of Kiln Creek, for the information provided to members of City Council. She reminded them that their voices did matter and were much appreciated.

Councilwoman Vick had the pleasure of attending the Annual Newport News Redevelopment and Housing Authority Scholarship Banquet, held on Tuesday, May 24, 2016, 5:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). Fourteen Newport News High School students were awarded scholarships (12 high school seniors, plus two adult learners). She congratulated all of the recipients and recognized Ms. Karen Wilds, Director, Newport News Redevelopment and Housing Authority (NNRHA) and her staff for all of the work done to make this occur annually. Councilwoman Vick was the recipient of the first scholarship awarded by the NNRHA in 1980.

Councilwoman Vick announced that King-Lincoln Park Day would be held on Saturday, June 4, 2016, 12 noon – 5:00 p.m., held at King-Lincoln Park (600 Jefferson Avenue). The event was free with rides, community exhibits, live entertainment and fun for all. All citizens were welcome.

Councilman Bateman extended condolences to the family of Ms. Frances Beecroft, who died on May 17, 2016. Ms. Beecroft and her family owned a business in the City of Newport News for over 50 years (Beecroft & Bull was founded in Newport News in 1958). She was a great neighbor and friend.

Councilwoman Cherry thanked all of the citizens for their attendance and participation at the meeting to express their points of view. She reiterated that their voices mattered. She stated that City Council was committed and they did care. She stated that City Council needed citizens to be involved, to be engaged, and to be informed.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry sought clarity on Consent Agenda Item 5 regarding the Hampton Roads Peninsula Drug Initiative Reciprocal Agreement, formerly called the Peninsula Narcotics Task Force Memorandum of Understanding. On page 4 of the agreement under Assignment: Member agencies would provide the following personnel at their discretion: HPD: one Sergeant, one Detective, and two support staff; NNPD: one Detective; and VSP: One Special Agent. Councilwoman Cherry inquired why the Newport News Police Department only provided one Detective. Chief Richard Myers, NNPD, responded that varying numbers had been provided to serve on Task Forces, but they had to cut back with the number of vacancies on the NNPD. He stated that officers were on the FBI Safe Street Task Force, DEA Task Force, ATF Gun Task Force, and others. The NNPD were very supportive of the Task Forces, but their top priority was to have officers on the streets protecting Newport News neighborhoods. He advised, as vacancies were filled, the numbers assigned to Task Forces would increase. City Manager Bourey stated that the challenge had been hiring and retaining police officers; but there was a push to fill the vacancies and were working hard to change that.

Councilwoman Cherry announced that the South District “Your Voice Matters” Town Hall Meetings would be held on Thursday, June 9, 2016, 6:00 – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive) for residents that lived from Mercury Boulevard North to Harpersville Road; and Thursday, June 16, 2016, 6:00 – 7:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue) for residents from Mercury Boulevard South to the waterfront. There would be a panel made up of representatives from eight to ten of the City’s Operating Departments. The panelists would share their role and functions. All residents were invited to attend. These meetings were a collaborative effort of the Newport News Police Department, the Newport News School Board, and the Newport News City Council.

Councilwoman Cherry announced the Juneteenth Freedom Festival would be held on Saturday, June 18, 2016, 11:00 a.m. to 4:00 p.m. at the Farmer’s Market (28th and Jefferson Avenue). The event was hosted by the Downtown Newport News Merchants and Neighbors Association, Inc. The event would be free and open to the public with fun for all ages. Exhibitors and Vendors were needed. Community Service Awards would also be presented to citizens that went above and beyond to help the City to prosper.

Councilwoman Cherry asked for continued prayers for the family of Mr. Arthur Keyes. She encouraged all citizens to step up to the plate as Mr. Keyes stepped up to the plate to help preserve his community.

Councilwoman Cherry reminded citizens to remember their recycling and bulk pick-up days.

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 8:15 P.M.

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk