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AGENDA

NEWPORT NEWS CITY COUNCIL REGULAR CITY COUNCIL MEETING

MARCH 22, 2016

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation

- Rev. Terry Williams, Hilton Christian Church

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

D. Presentations

1. Resolution of Recognition: The Honorable Mamye E. BaCote, on her Retirement as a Member of the Virginia House of Delegates
2. Presentation: By Delegate Marcia Price to The Honorable Mamye E. BaCote, on her Retirement as a Member of the Virginia House of Delegates
3. Proclamation: National Fair Housing Month (April)
4. Presentation: Herr Grap, Sister Cities of Greifswald, Jahn Gymnasium Delegation (Germany)

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-16-361, to DED, LLC, for the Operation of a Small Motor Vehicle Repair and Service Facility and an Automobile Leasing Facility on Property Located at 11606 Jefferson Avenue
2. Ordinance Authorizing Conditional Use Permit No. CU-16-363, to Adath Jeshurun Synagogue to Allow for the Construction of an Automobile Gasoline Supply Station with a Convenience Store (7-Eleven) on Property Located at 12646 Nettles Drive

3. Ordinance Authorizing the City Manager to Execute Any and All Documents Necessary to Effectuate the Conveyance of City-owned Property to the Industrial Development Authority (IDA) for the Expansion of Printpack, Inc.

F. Consent Agenda

1. Minutes of the Financial Retreat of January 19, 2016
2. Minutes of the Work Session of March 8, 2016
3. Minutes of the Special Meeting of March 8, 2016
4. Minutes of the Regular Meeting of March 8, 2016
5. Resolution Expressing Support for a Joint Land Use Study (JLUS) Among Joint Base Langley-Eustis (JBLE) and Surrounding Communities
6. Resolution Supporting an Extension of the Programmatic Project Administration Agreement (PPAA) with the Virginia Department of Transportation (VDOT) for the FY 2014 VDOT Revenue Sharing Program
7. Resolution Authorizing the City Manager to Execute Any and All Documents Necessary to Effectuate and Implement an Amendment to a Lease between DF Fishing Point, LLC and the City of Newport News

G. Other City Council Actions

1. 1 of 2: Resolution Authorizing the City Manager to Execute a Commonwealth's Development Opportunity Fund (COF) Performance Agreement By and Among the City of Newport News, The Industrial Development Authority (IDA) and Printpack, Inc.
2. 2 of 2: Resolution Authorizing the Acceptance and Appropriation of \$150,000 in Grant Funds from the Commonwealth's Development Opportunity Fund (COF) for the Printpack, Inc. Expansion Project

H. Appropriations

1. Department of Engineering – FY 2016 Bond Authorization, Public Buildings Category: Construction of the Public Works Warehouse – \$1,000,000

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. Vick
5. Woodbury
6. Bateman
7. Cherry

8. Coleman
9. Price
10. Scott

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 – Rev. Terrye Williams, Hilton Christian Church

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

D. Presentations

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-16-361, to DED, LLC, for the Operation of a Small Motor Vehicle Repair and Service Facility and an Automobile Leasing Facility on Property Located at 11606 Jefferson Avenue

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-361 TO DED, LLC, FOR THE OPERATION OF A SMALL MOTOR VEHICLE REPAIR AND SERVICE FACILITY AND AN AUTOMOBILE LEASING FACILITY ON PROPERTY LOCATED AT 11606 JEFFERSON AVENUE AND ZONED C2, GENERAL COMMERCIAL.

BACKGROUND:

- DED, LLC proposes to use the former used automobile dealership property for a small motor vehicle repair and service facility in addition to a truck rental facility.
- The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and compatible with surrounding uses.
- On March 2, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of this request with conditions.

Vote on Roll Call

For: Carpenter, Fox, Groce, Jones, Maxwell, Mulvaney, Willis

Against: None

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-16-361

CPC Minutes and Backup

sdm14187 CU-16-361 re DED, LLC

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Conditional Use Permit No. CU-16-361, DED, LLC

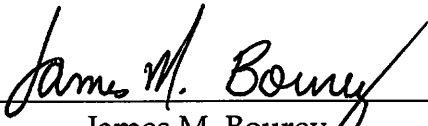
DED, LLC requests a conditional use permit to allow for the operation of a small vehicle repair and service facility and an automobile leasing facility on a parcel containing 1.64 acres located at 11606 Jefferson Avenue and zoned C2 General Commercial.

The new uses will utilize an existing vacant facility originally designed to house a used car dealership that operated on the site for almost 30 years. No significant site or building changes are necessary for the new uses to operate at the site.

The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and compatible to the surrounding uses.

On March 2, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of the request to City Council with conditions.

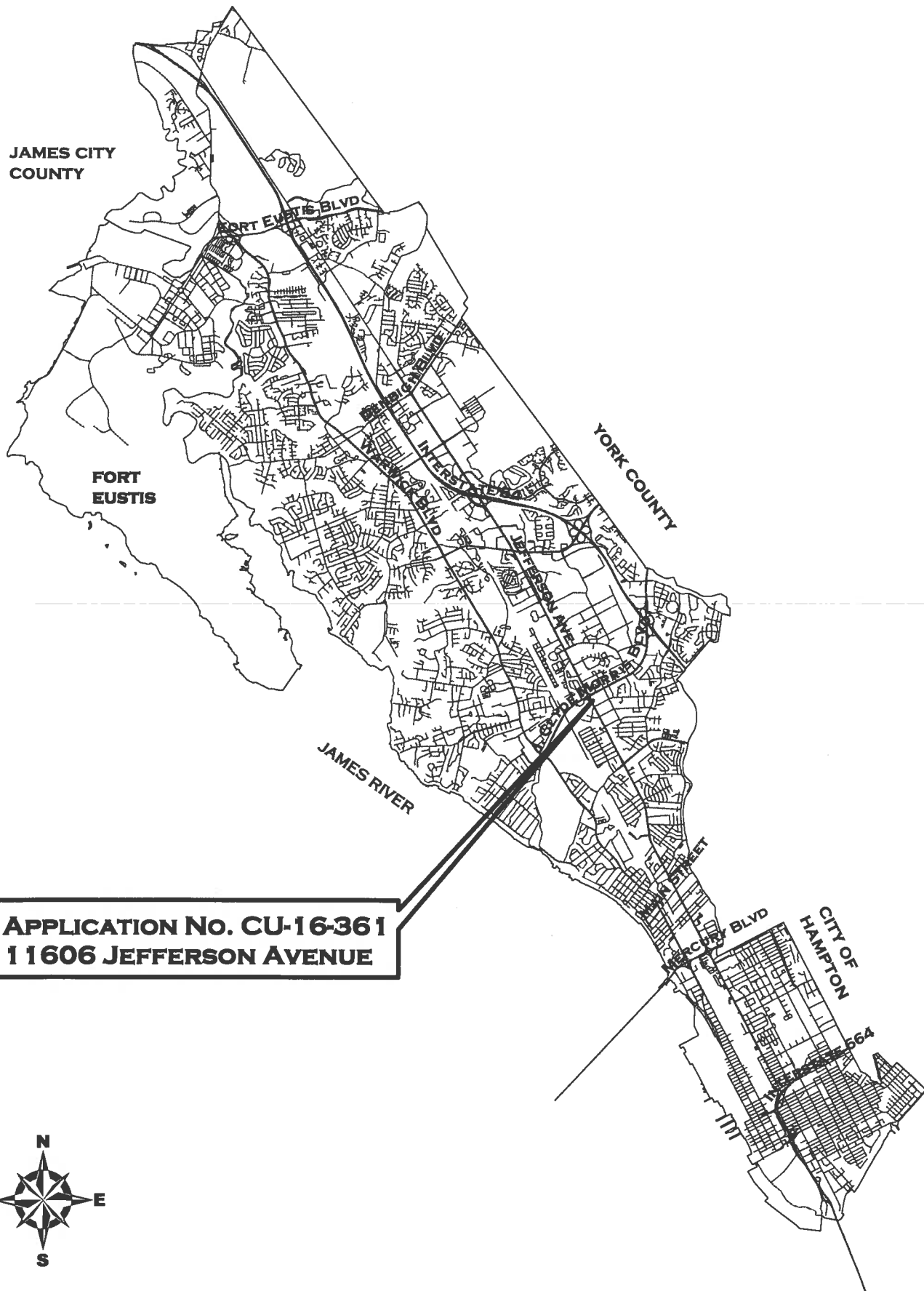
I concur with the City Planning Commission's recommendation.


James M. Bourey

JMB:sgd

**CITY OF NEWPORT NEWS
CITY COUNCIL
MARCH 22, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-361
DED, LLC.**



CONDITIONAL USE PERMIT NO. CU-16-361

DED, LLC

APPLICANT/OWNER	DED, LLC	ZONING	C2 General Commercial (Appendix 1)
LOCATION	11606 Jefferson Avenue	FRAMEWORK	Community Commercial (Appendix 5)
PRESENT USE	Vacant Used Car Dealership; Large Vehicle Storage	ACREAGE	1.64 acres
REQUEST	Small Vehicle Repair & Service Facility; Automobile Leasing Facility		



FACTS

North	Tire store on property zoned C2 General Commercial
South	Vacant car-wash, towing and large vehicle repair facility and a single-family home on property zoned C2 General Commercial
East	Single-family home on property zoned R4 Single-Family Dwelling
West	Deer Park Elementary School on property zoned P1 Park

Zoning History C2 General Commercial since the citywide comprehensive rezoning became effective August 1, 1997

Regulatory Review The zoning ordinance requires a conditional use permit for the operation of a small motor vehicle repair and service facility as well as for an automobile

leasing facility in the C2 General Commercial zoning district.

The proposed facility will occupy a 3,800 square foot building. The auto repair component, of the business will occupy 2,500 square feet. For that component, the required parking ratio is one (1) space for each 500 square feet of floor area, or eight (8) parking spaces. The remaining 1,300 square feet will be used for office and retail activity. The required parking is a maximum of one (1) space for each 200 square feet of floor area, or seven (7) parking spaces. The submitted site plan for the property indicates twenty-nine (29) regular parking spaces in addition to thirteen (13) spaces that will be dedicated for the truck rental component of the application. (See Appendix A-2.)

This is a developed site that is paved in its totality and no changes are proposed or required at this time. The new parking layout will be freshly striped and new landscaping will be planted within existing green areas.

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

Comprehensive Plan Review The *Framework for the Future 2030* comprehensive plan land use map designates community commercial for the property. The proposed uses are consistent with this designation. (See Appendix A-5.)

ANALYSIS

The building at 11606 Jefferson Avenue was designed and used as offices and a repair shop for a used car dealership that operated on the site for almost 30 years. The building has been vacant for more than a year.

The front of the building will continue to be used as office space with an added retail component that will include display of various automotive retail items such as wheels and batteries.

The building has five bay doors that are accessed from the rear allowing the building to be used for small motor vehicle repair without any alterations or negatively impacting the surrounding area. In addition, the applicant is proposing to install an ornamental opaque metal fence from the building to the property line providing storage space that will be properly screened from Jefferson Avenue. (See Appendix A-3.) The property will be further improved by installing landscaping in existing beds, and removing the existing pole sign.

The site will be re-striped providing ample parking for the proposed business and clearly delineating the areas where the rental trucks will be parked. The rear of the property which is currently fenced off is and will continue to be used for storage and staging of large vehicles associated with the applicant's towing and large vehicle repair business that operates in the adjoining property at 16 Robinson Drive. Hence, the adjoining residential property will not be in any way affected by the new proposed uses on the site. All other abutting properties house auto related uses and will not be

negatively impacted.

There is an existing utility cabinet located at the southern corner of the property on Jefferson Avenue that would block the view of a low sign. The applicant will lower the existing freestanding sign to be no taller than 15 feet. If the existing freestanding sign is removed and a new sign is installed it must meet current sign ordinance requirements and its design, materials and location will be reviewed and approved by the Director of Planning.

CONCLUSION

The proposed small motor vehicle repair and automobile leasing facility will use an existing building surrounded by similar automotive uses. The installation of a new decorative fence facing Jefferson Avenue, landscaping and striping will improve the appearance of this parcel. The uses are consistent with the *Framework for the Future 2030* comprehensive plan and are compatible to the surrounding uses.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-361 to allow for the operation of a small vehicle repair and service facility and an automobile leasing facility with the following conditions:

1. The applicant shall improve the site in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2 and shall conform to this conditional use permit.
2. The applicant shall install landscaping in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2 and shall conform to this conditional use permit. All landscaping shall be maintained in a healthy condition in perpetuity. The uses approved by this permit shall not commence until the landscaping has been installed.
3. The applicant shall install a decorative opaque metal fence in general conformance with the photograph submitted found in Appendix A-3 and its location shall generally conform with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2.
4. The applicant shall lower the existing freestanding pole sign to be no taller than fifteen (15) feet. If the sign is replaced, the new sign shall be consistent with requirements of the sign ordinance. The design of such sign shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit.
5. All repair and service work shall be performed indoors.
6. Storage of cars in a state of obvious disrepair shall be screened from public view.

7. 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 (30) days.

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

9. 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.

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

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

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

13. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition

contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

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

CPC RECOMMENDATION

On March 2, 2016, the Planning Commission voted unanimously (7:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. The applicant shall improve the site in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2 and shall conform to this conditional use permit.
2. The applicant shall install landscaping in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2 and shall conform to this conditional use permit. All landscaping shall be maintained in a healthy condition in perpetuity. The uses approved by this permit shall not commence until the landscaping has been installed.
3. The applicant shall install a decorative opaque metal fence in general conformance with the photograph submitted found in Appendix A-3 and its location shall generally conform with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2.
4. The applicant shall lower the existing freestanding pole sign to be no taller than fifteen (15) feet. If the sign is replaced, the new sign shall be consistent with requirements of the sign ordinance. The design of such sign shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit.
5. All repair and service work shall be performed indoors.
6. Storage of cars in a state of obvious disrepair shall be screened from public view.
7. 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 (30) days.

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

9. 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.

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

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

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

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

use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

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

APPENDIX

A-1 VICINITY/ZONING MAP

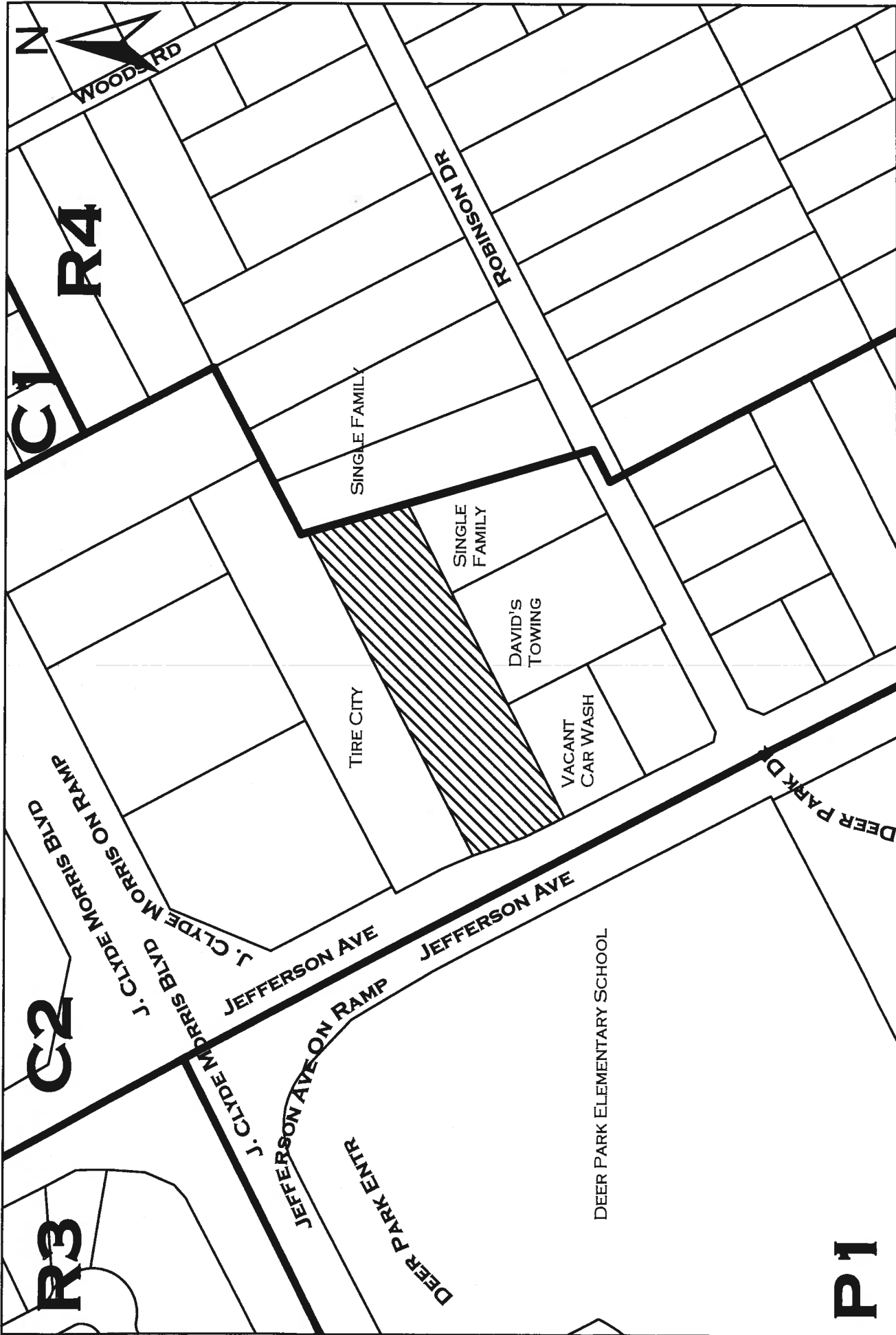
A-2 SITE PLAN

A-3 FENCE DESIGN

A-4 AERIAL MAP

A-5 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP

A-6 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MARCH 2, 2016



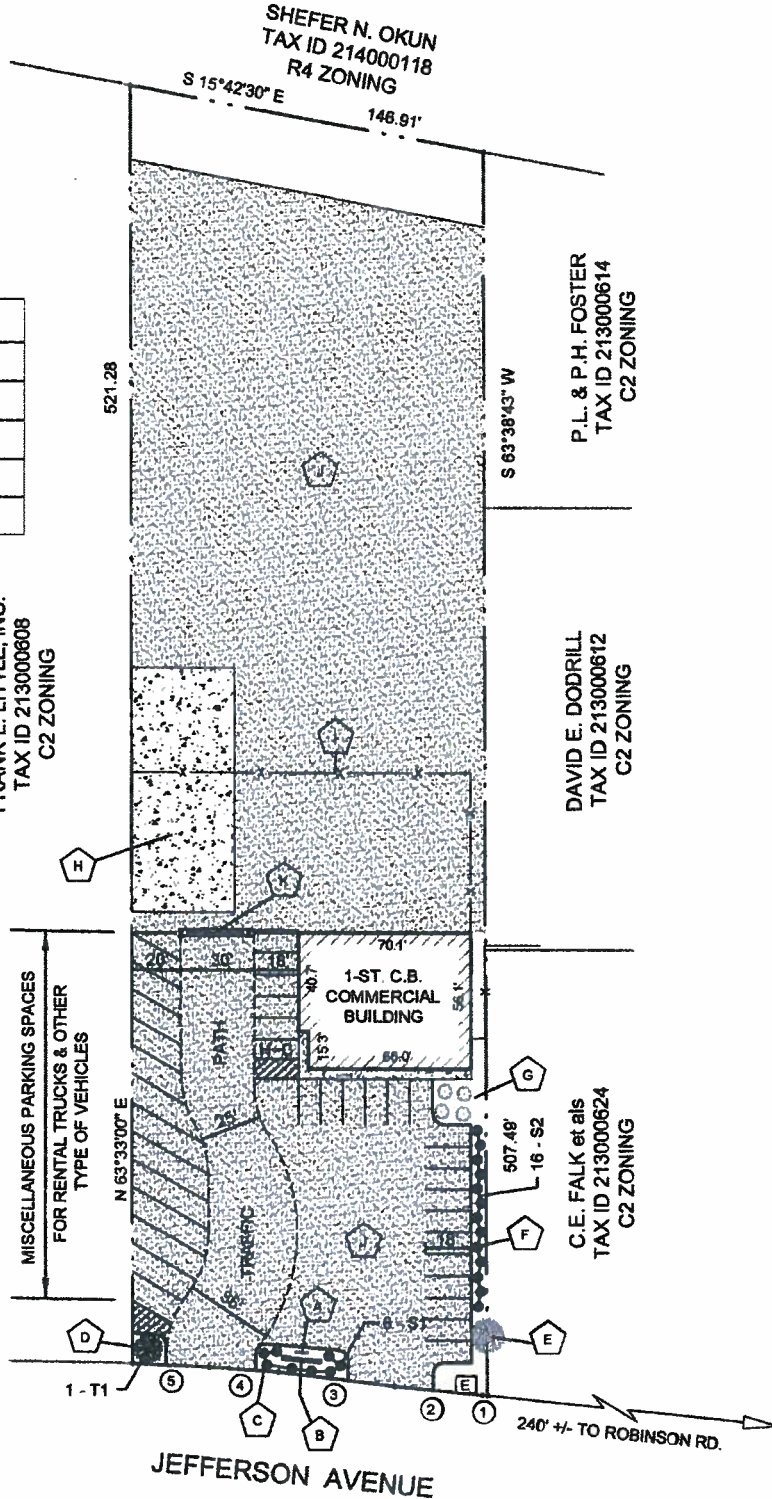
No.	BEARING	DIST.
1	N 27°04'07" W	0.81'
2	N 23°13'43" W	29.56'
3	N 22°22'26" W	28.11'
4	N 19°09'18" W	47.55'
5	N 20°32'30" W	37.63'

LEGEND

- A - REMOVE OR REDUCE EXISTING SIGN
- B - FREESTANDING SIGN IN ACCORDANCE WITH SIGN CONDITION.
- C - NEW SHRUBS
- D - NEW TREE
- E - EX. TREE TO REMAIN
- F - NEW SHRUBS
- G - EX. SHRUBS TO REMAIN
- H - EX. CONCRETE PAD TO REMAIN
- I - EXISTING FENCE TO REMAIN
- J - EX. PAVED SURFACE TO REMAIN
- K - NEW SECURITY FENCE WITH ROLLING GATE

SEE PLANT LIST

FRANK L. LITTLE, INC.
TAX ID 213000808
C2 ZONING



P.L. & P.H. FOSTER
TAX ID 213000614
C2 ZONING

DAVID E. DODRILL
TAX ID 213000612
C2 ZONING

C.E. FALK et als
TAX ID 213000624
C2 ZONING

PROPERTY APPEARS WITHIN FLOOD ZONE X AS DEPICTED ON PANEL 128.
F.I.R.M. FOR COMMUNITY No. 510103, DATED DECEMBER 9, 2014.

PLAT PREPARED WITHOUT BENEFIT OF A TITLE SEARCH REPORT AND
THEREFORE IT IS SUBJECT TO ALL ENCUMBRANCES ON THE PROPERTY.

OWNER: DED, LLC - DOC. #12001245
BUILDING AREA: 3,856 S.F.
ZONING: C2 GENERAL COMMERCIAL DISTRICT
TAX ID: 213000809

PARKING REQUIRED: 10 SPCS.

PARKING PROVIDED: 28 R (8'x18') + 1 H-C (8'x18') = 29 SPCS. & MISC.
RENTAL TRUCKS [(10'x25') & (10'x30')] = 7 SPCS.
TOTAL PARKING: 36 SPCS.

GREEN AREA: +/- 10,548 S.F.

LAND USE PLAT

ADDRESS: 11606 JEFFERSON AVE.
PROPERTY OF DED, LLC
CONTAINING 1.70 AC.
FORMERLY PROPERTY OF
J.A. ARGABRIGHT, et als
(D.B. 105 - PG. 391)
NEWPORT NEWS - VIRGINIA

SCALE: 1" = 60'

Job No. 16-02-11144



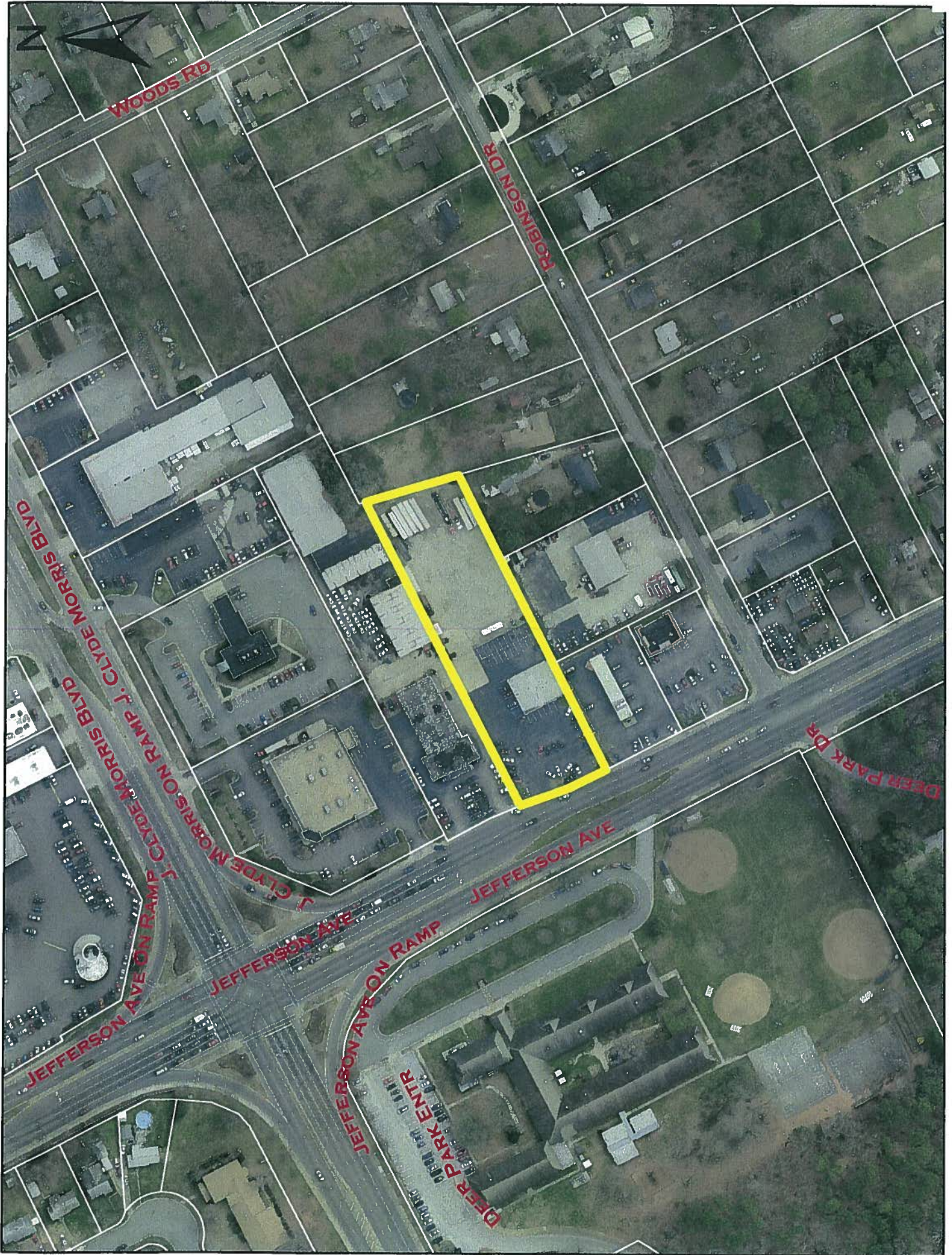
DATE: FEB. 2, 2016

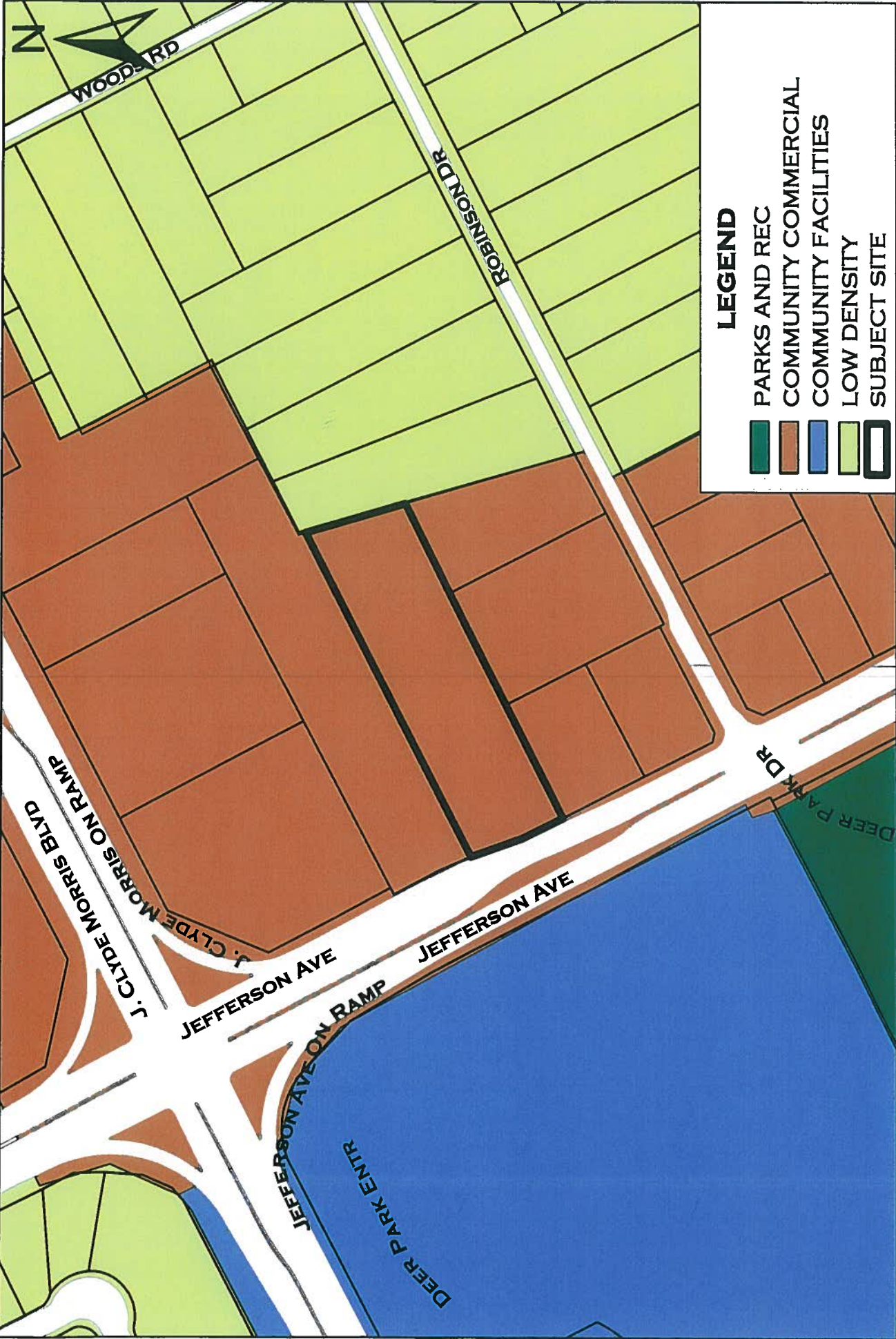
F.B. 296 - PG. 12

ALFONSO & ASSOCIATES, INC.
SURVEYING - PLANNING

PHONE: 757 873 0750
NEWPORT NEWS, VIRGINIA







FRAMEWORK FOR THE FUTURE 2030

DED LLC

EXCERPTS FROM PLANNING COMMISSION MINUTES

March 2, 2016

CU-16-361, DED LLC Requests a conditional use permit to allow for a small motor vehicle repair and service facility and an automobile leasing facility on a 1.64 acre parcel located at 11606 Jefferson Avenue and zoned C2 General Commercial. The Parcel No. is 213.00-06-09.

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

Ms. Fox asked if the application is identical to the previous use of the property, with repair and storage of automobiles. Mr. Gleiser stated that, previously, repairs were only for the cars that were sold at the property.

Ms. Fox asked for the definition of storage of cars in a state of disrepair. Mr. Gleiser stated it means visibly damaged cars that are brought in must be stored somewhere other than the front of the property while they await repair. Ms. Fox asked if that is for short-term use only. Mr. Gleiser stated yes.

Mr. Carpenter opened the public hearing.

Mr. Tim Trant, 11815 Fountain Way, Attorney for the applicant, spoke in favor of the application. Mr. Trant thanked Planning staff for their assistance. He gave a brief description of the project.

Mr. Mulvaney stated the applicant services large machinery. He asked if there would be any type of repairs for large trucks or machinery on the subject property. Mr. Trant stated no. He stated all of that business, to include towing and large motor vehicle repair, will remain where it is permitted on the 16 Robinson Drive location and a storage lot at the rear of the subject site, which has been in existence since 1982. Mr. Trant stated the large motor vehicle repair business will remain in the rear of the existing site, where it is now, and 16 Robinson Drive, and will not move to the frontage of the parcel on Jefferson Avenue.

Mr. Carpenter stated there is a picture of a decorative opaque metal fence that looks like it is a faux wrought iron fence with something that blocks the view through the fence. Mr. Trant stated that there is an existing fence on the site behind the existing building which will be converted into the automotive repair and automobile leasing facility. He stated it is a chain link fence that runs the length of the property and screens the rear large motor vehicle operations with vinyl slats from the proposed use. Mr. Trant stated Planning staff worked with the applicant and came on site and gave him a number of options for screening the proposed small motor vehicle repair use. Mr. Trant stated the option selected by the applicant is a black aluminum fence with a mesh screen of industrial grade fabric that goes behind the fence and provides the opaque

screening Planning staff was looking to achieve. Mr. Carpenter asked if the fence would be on wheels and rolled back and forth. Mr. Trant stated the fence would be permanent and placed in concrete footers extending from the rear of the building to the Tire City location. He stated there will be a segment of the fence with a gate that is motorized and capable of rolling back and forth.

Mr. Carpenter asked if the operation on Robinson Drive is also using some of the land that fronts on Jefferson Avenue for the same operation. Mr. Trant stated yes, there is a portion of the large motor vehicle repair and towing business that presently occurs on the rear of the subject site. Mr. Carpenter asked if the subject property is zoned appropriately and the business on 16 Robinson Drive has the right to use that land. Mr. Gleiser stated that, in talking with the Zoning Administrator, that portion of the property has been used since the business started and is grandfathered. He stated that because they are not proposing any changes to that portion of the parcel, it is okay to continue its present use.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-16-361 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

Vote on Roll Call

For: Maxwell, Fox, Jones, Mulvaney, Willis, Groce, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of conditional use permit CU-16-361 to City Council.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-361 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A SMALL MOTOR VEHICLE REPAIR AND SERVICE FACILITY AND AN AUTOMOBILE LEASING FACILITY.

WHEREAS, application number CU-16-361 has been made by **DED, LLC, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of the operation of a small motor vehicle repair and service facility and an automobile leasing facility; 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-16-361 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a small motor vehicle repair and service facility and an automobile leasing facility; and

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

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News (formerly Newport Magisterial District, Warwick County), Virginia, containing 1.774 acres, more or less, as shown and delineated on that certain plat attached to deed dated October 11, 1945, from James A. Argabright, et ux, to C. O. Becker, which said deed is recorded in the Clerk's Office of the Circuit Court (formerly Hustings Court) for the City of Newport News, Virginia, in Deed Book 105, page 391; said plat being entitled, "Plat Showing a Tract of Land Situated in the Newport District of Warwick County, Virginia, as conveyed to C. O. Becker, by J. A. Argabright, as of Oct. 11, 1945", made by J. M. Cochran, Certified Civil Engineer, dated Oct. 8, 1945.

LESS, SAVE AND EXCEPT that certain parcel of land conveyed to the City of Newport News, a Municipal Corporation, by deed dated January 17, 1969, and recorded in the Clerk's Office aforesaid

in Deed Book 696, at page 491.

The Property has a common street address of 11606 Jefferson Avenue and a Real Estate Assessor's Tax I.D.#213-00.06-09.

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

1. The applicant shall improve the site in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit.
2. The applicant shall install landscaping in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2015, found in Appendix A-2 and shall conform to this conditional use permit. All landscaping shall be maintained in a healthy condition in perpetuity. The uses approved by this permit shall not commence until the landscaping has been installed.
3. The applicant shall install a decorative opaque metal fence in general conformance with the photograph submitted found in Appendix A-3, which is attached hereto and made a part hereof, and its location shall generally conform with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2.
4. The applicant shall lower the existing freestanding pole sign to be no taller than fifteen (15) feet. If the sign is replaced, the new sign shall be consistent with requirements of the sign ordinance. The design of such sign shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit.
5. All repair and service work shall be performed indoors.
6. Storage of cars in a state of obvious disrepair shall be screened from public view.
7. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the

Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition 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 March 22, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

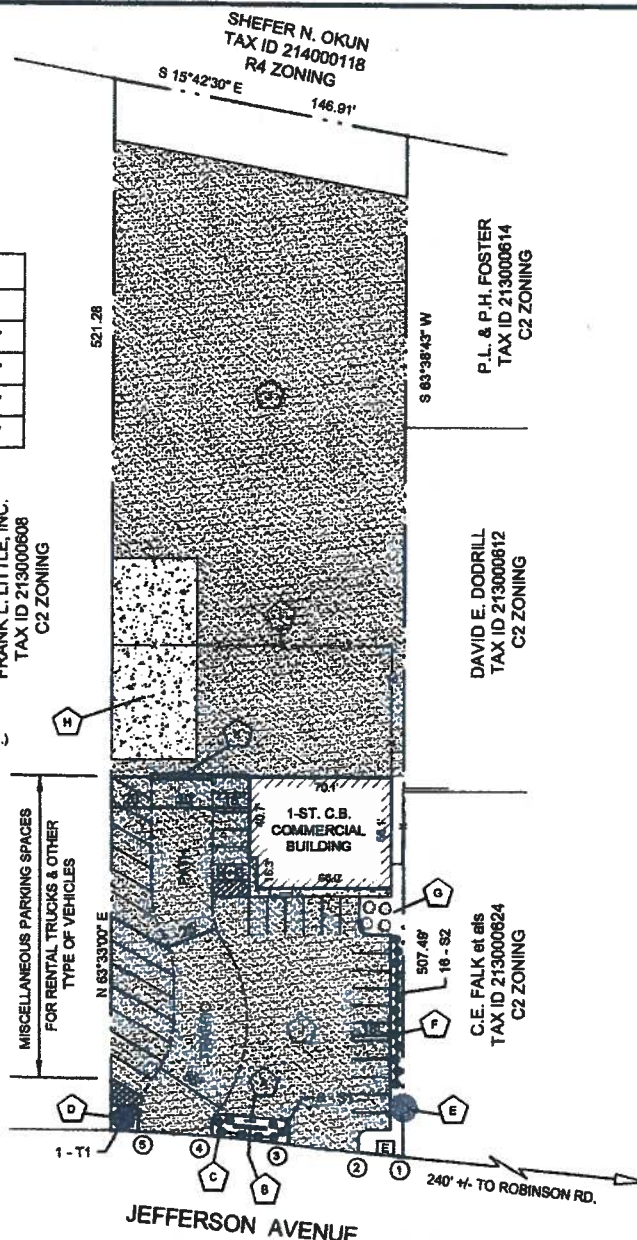
No.	BEARING	DIST
1	N 27°04'07" W	0.81'
2	N 23°13'43" W	29.56'
3	N 22°22'26" W	28.11'
4	N 19°09'16" W	47.55'
5	N 20°32'30" W	37.63'

LEGEND

- A - REMOVE EXISTING SIGN
- B - NEW MONUMENT SIGN (PER CNN REGS.)
- C - NEW SHRUBS
- D - NEW TREE
- E - EX. TREE TO REMAIN
- F - NEW SHRUBS
- G - EX. SHRUBS TO REMAIN
- H - EX. CONCRETE PAD TO REMAIN
- I - EXISTING FENCE TO REMAIN
- J - EX. PAVED SURFACE TO REMAIN
- K - NEW SECURITY FENCE WITH ROLLING GATE

SEE PLANT LIST

FRANK L. LITTLE, INC.
TAX ID 213000608
C2 ZONING



P.L. & P.H. FOSTER
TAX ID 213000614
C2 ZONING

DAVID E. DODRILL
TAX ID 213000612
C2 ZONING

C.E. FALK et als
TAX ID 213000624
C2 ZONING

JEFFERSON AVENUE

PROPERTY APPEARS WITHIN FLOOD ZONE X AS DEPICTED ON PANEL 128,
F.I.R.M. FOR COMMUNITY No. 510103, DATED DECEMBER 8, 2014.

PLAT PREPARED WITHOUT BENEFIT OF A TITLE SEARCH REPORT AND
THEREFORE IT IS SUBJECT TO ALL ENCUMBRANCES ON THE PROPERTY

OWNER: DED, LLC - DOC: #12001245
BUILDING AREA: 3,859 S.F.
ZONING: C2 - GENERAL COMMERCIAL DISTRICT
TAX ID: 213000608

PARKING REQUIRED: 10 SPCS.

PARKING PROVIDED: 28 R (8'x18') + 1 H-C (8'x18') = 29 SPCS. & MISC.
RENTAL TRUCKS [(10'x25') & (10'x30')] = 7 SPCS.
TOTAL PARKING: 36 SPCS.

GREEN AREA: +/- 10,548 S.F.

LAND USE PLAT

ADDRESS: 11606 JEFFERSON AVE.

PROPERTY OF DED, LLC
CONTAINING 1.70 AC.
FORMERLY PROPERTY OF
J.A. ARGABRIGHT, et als
(D.B. 105 - PG. 391)
NEWPORT NEWS - VIRGINIA

SCALE: 1" = 60'

Job No. 16-02-11144



DATE: FEB. 2, 2016

F.B. 296 - PG. 12

ALFONSO & ASSOCIATES, INC.
SURVEYING - PLANNING

PHONE: 757 873 0750
NEWPORT NEWS, VIRGINIA



E. Public Hearings

2. Ordinance Authorizing Conditional Use Permit No. CU-16-363, to Adath Jeshurun Synagogue to Allow for the Construction of an Automobile Gasoline Supply Station with a Convenience Store (7-Eleven) on Property Located at 12646 Nettles Drive

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-363 TO ADATH JESHURUN SYNAGOGUE FOR THE CONSTRUCTION AND OPERATION OF AN AUTOMOBILE GASOLINE SUPPLY STATION WITH A 7-ELEVEN CONVENIENCE STORE ON PROPERTY LOCATED AT 12646 NETTLES DRIVE AND ZONED C1 RETAIL COMMERCIAL.

BACKGROUND:

- The new store and gasoline pumps will replace a vacant structure that formally housed a synagogue.
- The request is not consistent with the *Framework for the Future 2030* Comprehensive Plan land use map. However, the designation of community facilities was based on the active synagogue and pre-dated the construction of City Center Boulevard.
- The property has maintained a commercial zoning designation since 1997.
- On March 2, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of this request with conditions.

Vote on Roll Call

For: Carpenter, Fox, Groce, Jones, Maxwell, Mulvaney, Willis

Against: None

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-16-363

Staff Report and CPC Minute Excerpts

sdm14189 CU-16-363 re Adath Jeshurun Synagogue

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conditional Use Permit No. CU-16-363, Adath Jeshurun Synagogue

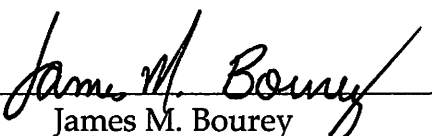
Adath Jeshurun Synagogue requests a conditional use permit for the operation of an automobile gasoline supply station in conjunction with a 7-Eleven convenience store. The proposed site is a 1.61 acre property located at 12646 Nettles Drive and is zoned C1 Retail Commercial. This proposal will redevelop a property that formally contained a synagogue.

The request is not consistent with the *Framework for the Future 2030* Comprehensive Plan land use map recommendation of community facilities. This designation was established while the synagogue was in use and prior to the construction of City Center Boulevard adjacent to the property. The land use designation will be revisited during the current Comprehensive Plan update.

The use will be buffered from the surrounding residential uses by privacy fencing and heavy landscaping. The building design is consistent with the development in the area.

On March 3, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of the request to City Council with conditions.

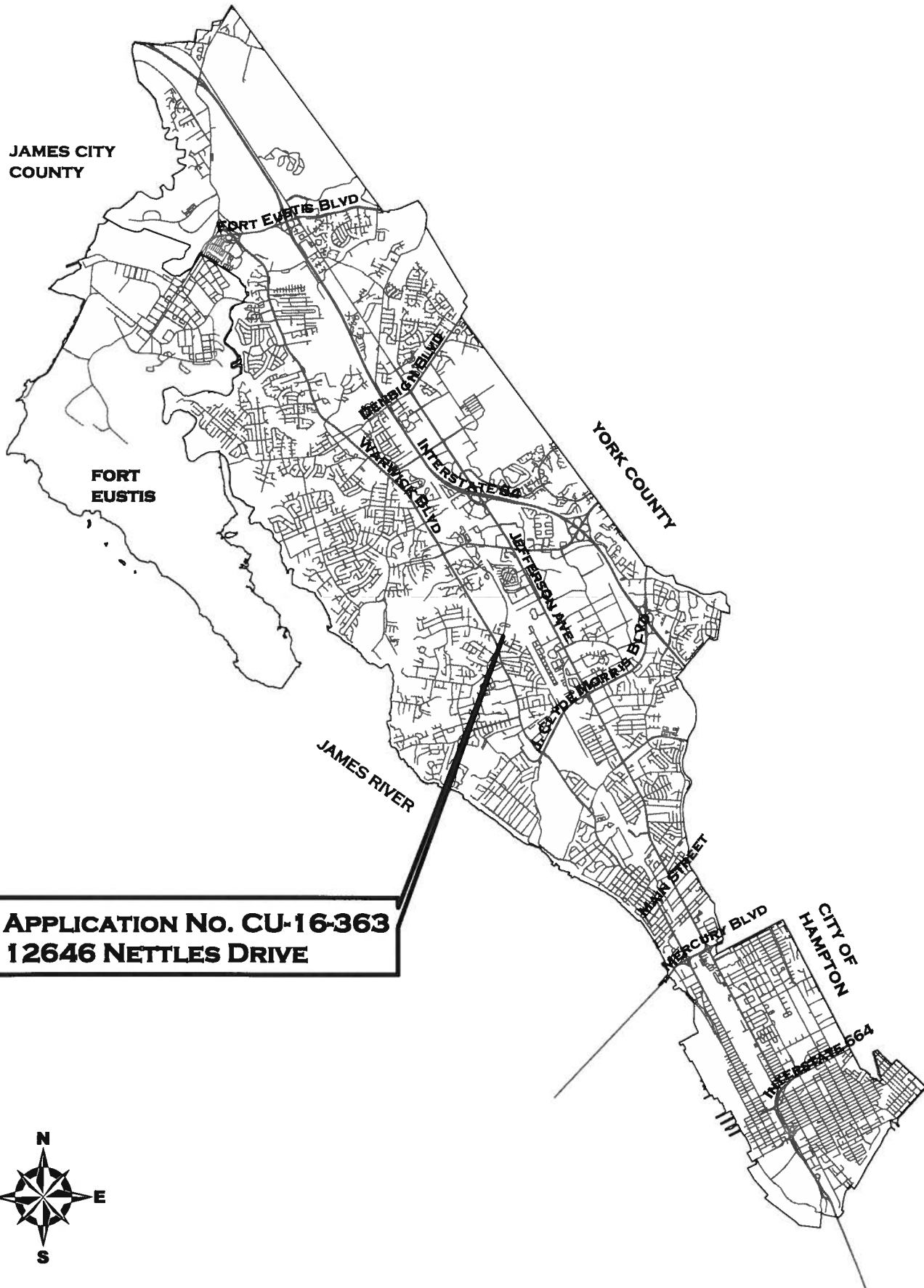
I concur with the City Planning Commission's recommendation.


James M. Bourey

JMB:dfw

**CITY OF NEWPORT NEWS
CITY COUNCIL
MARCH 22, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-363
ADATH JESHURUN SYNAGOGUE**



CONDITIONAL USE PERMIT NO. CU-16-363

ADATH JESHURUN SYNAGOGUE

OWNER/APPLICANT	Adath Jeshurun Synagogue	ZONING	C1 Retail Commercial (Appendix A-1)
LOCATION	12646 Nettles Drive	FRAMEWORK	Community Facilities (Appendix A-3)
PRESENT USE	Vacant building	ACREAGE	1.61 acres

REQUEST Automobile gasoline supply station in conjunction with a convenience store



FACTS

- North** Shorty's Auto Repair is located across City Center Boulevard on property zoned C2 General Commercial.
- South** Winterhaven apartments abut to the south on property zoned R7 Medium Density Multiple-Family Dwelling.
- East** A storm water retention pond abuts to the east on property zoned C1 Retail Commercial.
- West** Vacant parcels are located across Nettles Drive on properties zoned C1 Retail Commercial. (See Appendix A-1 and A-4.)

Zoning History The property has been zoned C1 Retail Commercial since the citywide comprehensive rezoning became effective August 1, 1997.

Regulatory Review The zoning ordinance allows an automobile gasoline supply station in the C1 Retail Commercial District with the approval of a conditional use permit. Commercial uses that abut a multiple-family dwelling district must provide

a twenty (20) foot landscape buffer.

Parking for retail stores is required at a ratio of one (1) space for every 250 square feet of floor area. Parking is limited to a maximum of one (1) space per 200 square feet of floor area. The zoning ordinance allows the Zoning Administrator to approve a request to increase the maximum parking requirement by up to 30%. The proposed building will have 3,250 square feet of floor space which will require a minimum of thirteen (13) spaces and a maximum of seventeen (17) spaces. The applicant will be requesting a 30% increase in the maximum allowed parking to twenty-three (23) spaces and this number is shown on the site plan. (See Appendix A-2.)

A traffic impact analysis (TIA) is required for a development if it is estimated that a new use would generate more than 5,000 trips per day. A Traffic assessment has been prepared and submitted by Bryant B. Goodloe, P.C. (See Appendix A-5.)

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

**Comprehensive Plan
Review**

The *Framework for the Future 2030* comprehensive plan land use map designates community facilities for the property. (See Appendix A-3.) The proposed automobile gasoline supply facility does not conform to this recommendation. The recommendation for community facilities was made based on the synagogue occupying the property at that time. The synagogue has since ceased operation and the property is vacant. In addition, the site was originally developed prior to the construction of City Center Boulevard which significantly changed the character of the area, making it more conducive to commercial development. It is anticipated that the land use recommendation for the property will be analyzed anew in consideration of these changes during the current comprehensive plan update.

ANALYSIS

The proposed site currently contains a vacant structure that formally housed a synagogue. This structure will be removed as part of the site redevelopment. The new improvements will include a full brick building that will be finished on all sides. Freestanding signs will be limited to a single monument style sign no higher than eight (8) feet and no more than 50 square feet in area. A twenty (20) foot landscape buffer will be required along the southern property line where it abuts residential apartments. A six (6) foot privacy fence will be constructed along the southern and eastern property lines. The dumpster area provided will be enclosed. New landscaping will be installed along City Center Boulevard and Nettles Drive.

The proposed site is a corner property created by the recent construction of City Center Boulevard. No improvements to the existing roadways are recommended in the TIA. (See Appendix A-5.) The site plan identifies two

entrances for the property. The entrance from City Center Boulevard will provide right turn in, right turn out access. This entrance will be partially located on adjacent city property in order to provide maintenance access to the storm water retention pond located on that property. The entrance from Nettles Drive will provide full access, meaning it can be utilized making a left or right turn. The location of the two entrances will facilitate ease of vehicle circulation for patrons and fuel delivery trucks.

Automobile gasoline supply stations seek to locate on properties with high traffic counts and that are easily accessible. This corner location is ideally suited for this use as it will provide service to the surrounding residential areas as well as those who travel this corridor.

CONCLUSION

The proposed automobile gasoline supply station with a convenience store provides an opportunity to redevelop a property containing a vacated and obsolete use. The new building and landscaping will be a significant improvement to a highly visible property located on City Center Boulevard. The proposed development is compatible with the surrounding uses in the area.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-363 to allow for the operation of an automobile gasoline supply station at 12646 Nettles Drive with the following conditions:

1. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised January 4, 2015, identified as Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the zoning ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by K2M Architecture, submission date January 13, 2016 "7-Eleven Site No. 1038561" and identified as Appendix A-6. Full bricks shall be used to construct all facades. Final drawings shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
3. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the property's southern boundary.
4. A six (6) foot high privacy fence shall be installed along the full length of the southern and eastern property lines. The fence shall be maintained in good condition for the duration of the use authorized by this permit. The

materials, color and style of the fence shall be reviewed and approved by the Director of Planning.

5. A landscape plan in conformance with the requirements of the Site Regulations and Conditional Use Permit shall be submitted to and approved by the Director of Planning prior to site plan approval. 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.

6. The applicant shall implement the site improvements as recommended in the September 24, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B. Goodloe PC.

7. Only one (1) freestanding sign shall be permitted on the Property. The sign shall be a monument style sign no taller than eight (8) feet measured from the highest point of the sign structure to the top of the curb. The sign shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.

8. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.

9. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.

10. There shall be no signage on the fueling stations other than that required by law for safety.

11. Signage on the canopy shall be limited to the placement of a logo.

12. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.

13. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.

14. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be approved by the Director of Planning prior to site plan approval, and shall be maintained in such condition in perpetuity.

15. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA.) A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Engineering. Lighting shall be installed and operated as shown on the

approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.

16. The playing of music on any outdoor speakers shall be prohibited.

17. 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.

18. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases.

19. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of 12 months:

- a) The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
- b) The canopy shall be removed; and
- c) The real property in or which the improvements listed in subsection (a) and (b) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the city.

20. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 19 a, b, and c.

21. If approved, the ordinance approving this conditional use permit shall

be prominently displayed within the establishment at all times until the use is abandoned.

22. There shall be maintained on the property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by the applicant to the site. The mobile generator(s) and the facility shall be operable within twelve (12) hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within twelve (12) hours of the occurrence of a winter storm which disrupts power to the Property.

23. 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.

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

25. 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.

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

27. 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 March 2, 2016, the Planning Commission voted unanimously (7:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised January 4, 2015, identified as Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the zoning ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by K2M Architecture, submission date January 13, 2016 "7-Eleven Site No. 1038561" and identified as Appendix A-6. Full bricks shall be used to construct all facades. Final drawings shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
3. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the property's southern boundary.
4. An eight (8) foot high privacy fence shall be installed along the southern and eastern property lines. The fence shall be maintained in good condition for the duration of the use authorized by this permit. The materials, color and style of the fence shall be reviewed and approved by the Director of Planning.
5. A landscape plan in conformance with the requirements of the Site Regulations and Conditional Use Permit shall be submitted to and approved by the Director of Planning prior to site plan approval. 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.
6. The applicant shall implement the site improvements as recommended in the September 24, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B. Goodloe PC.
7. Only one (1) freestanding sign shall be permitted on the Property. The sign shall be a monument style sign no taller than eight (8) feet measured from the highest point of the sign structure to the top of the curb. The sign shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.

8. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.
9. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
10. There shall be no signage on the fueling stations other than that required by law for safety.
11. Signage on the canopy shall be limited to the placement of a logo.
12. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.
13. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.
14. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be approved by the Director of Planning prior to site plan approval, and shall be maintained in such condition in perpetuity.
15. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA.) A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Engineering. Lighting shall be installed and operated as shown on the approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.
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18. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases.

19. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of 12 months:

- a) The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
- b) The canopy shall be removed; and
- c) The real property in or which the improvements listed in subsection (a) and (b) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the city.

20. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 19 a, b, and c.

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

22. There shall be maintained on the property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by the applicant to the site. The mobile generator(s) and the facility shall be operable within twelve (12) hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within twelve (12) hours of the occurrence of a winter storm which disrupts power to the Property.

23. 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.

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

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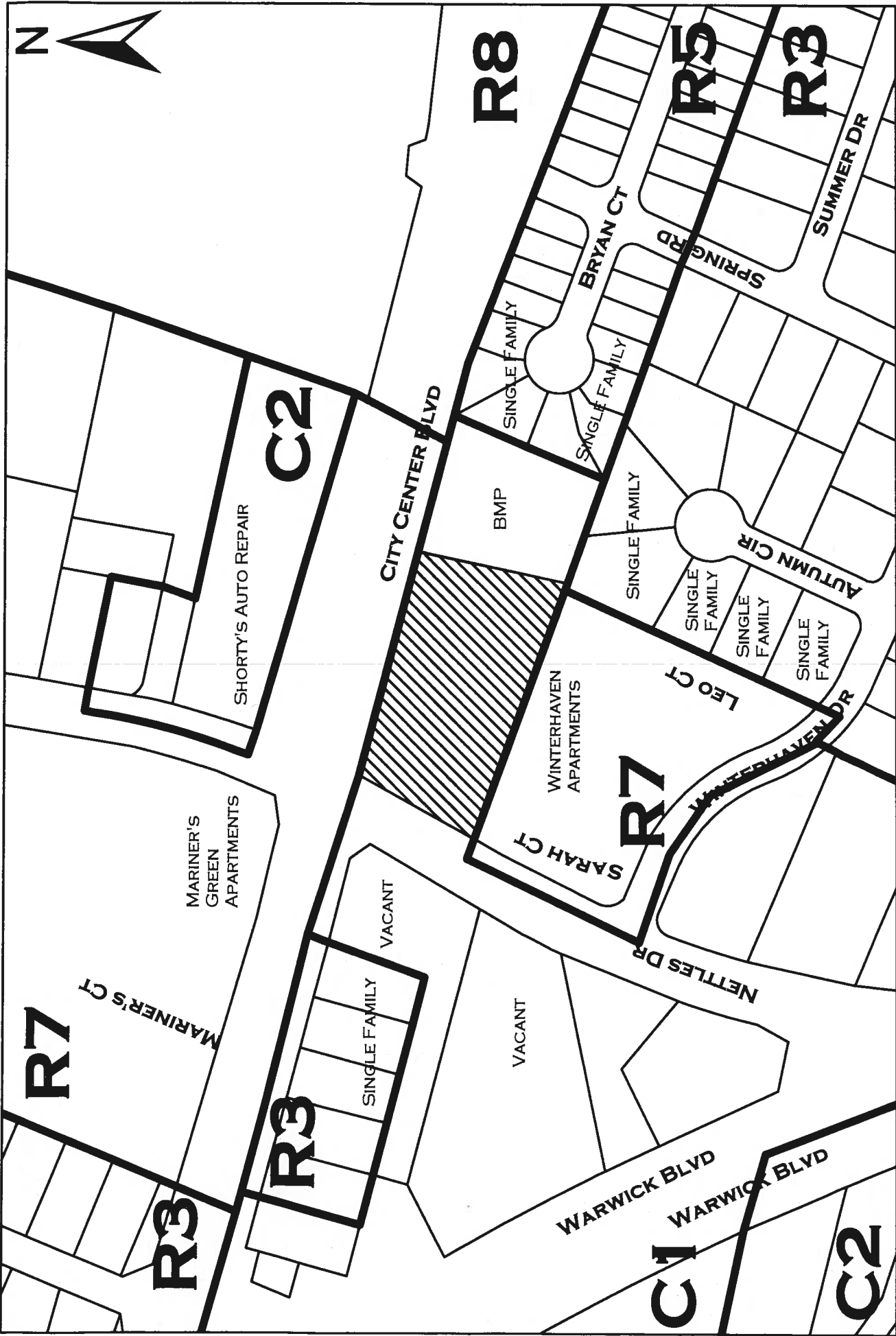
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26. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are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

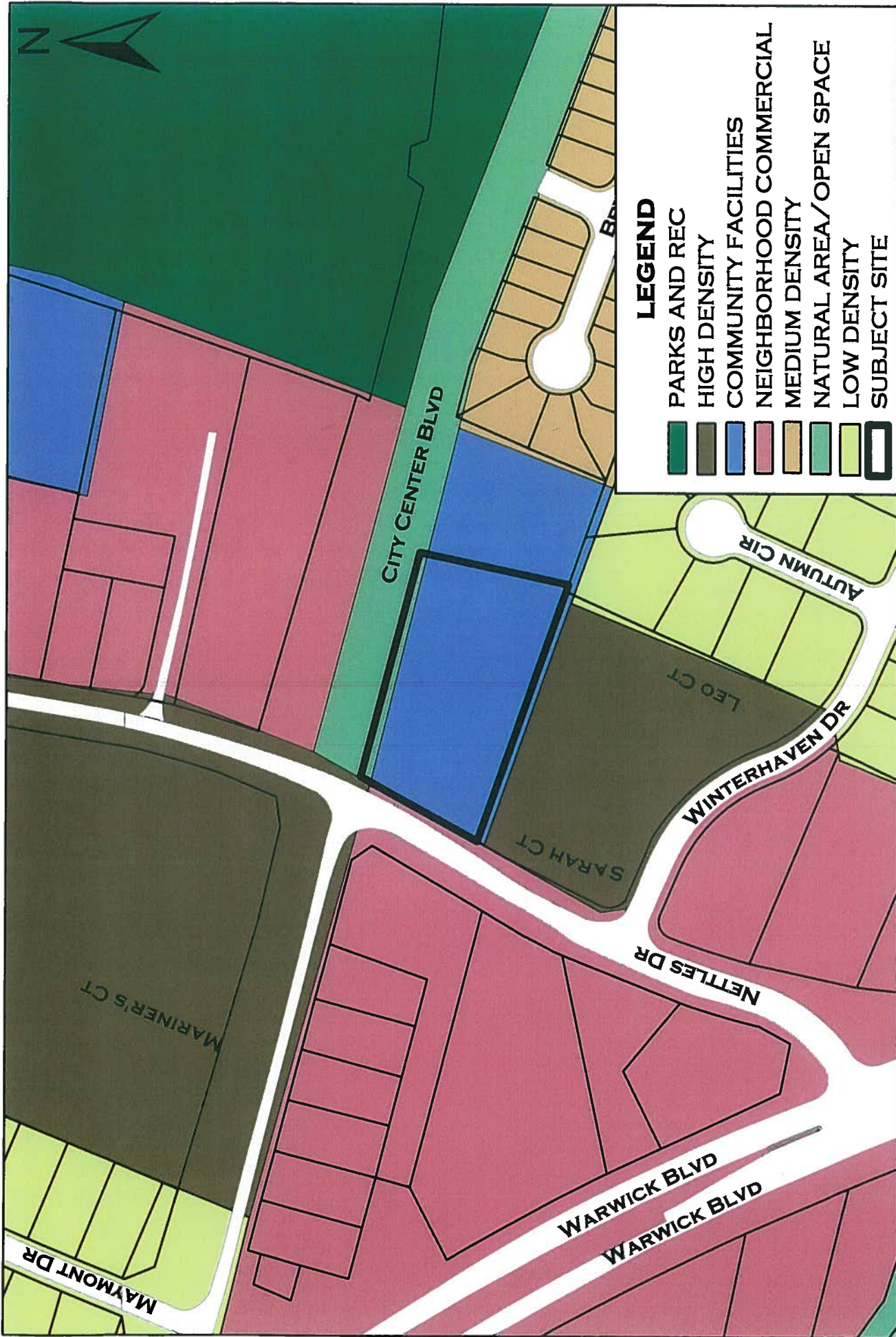
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APPENDIX

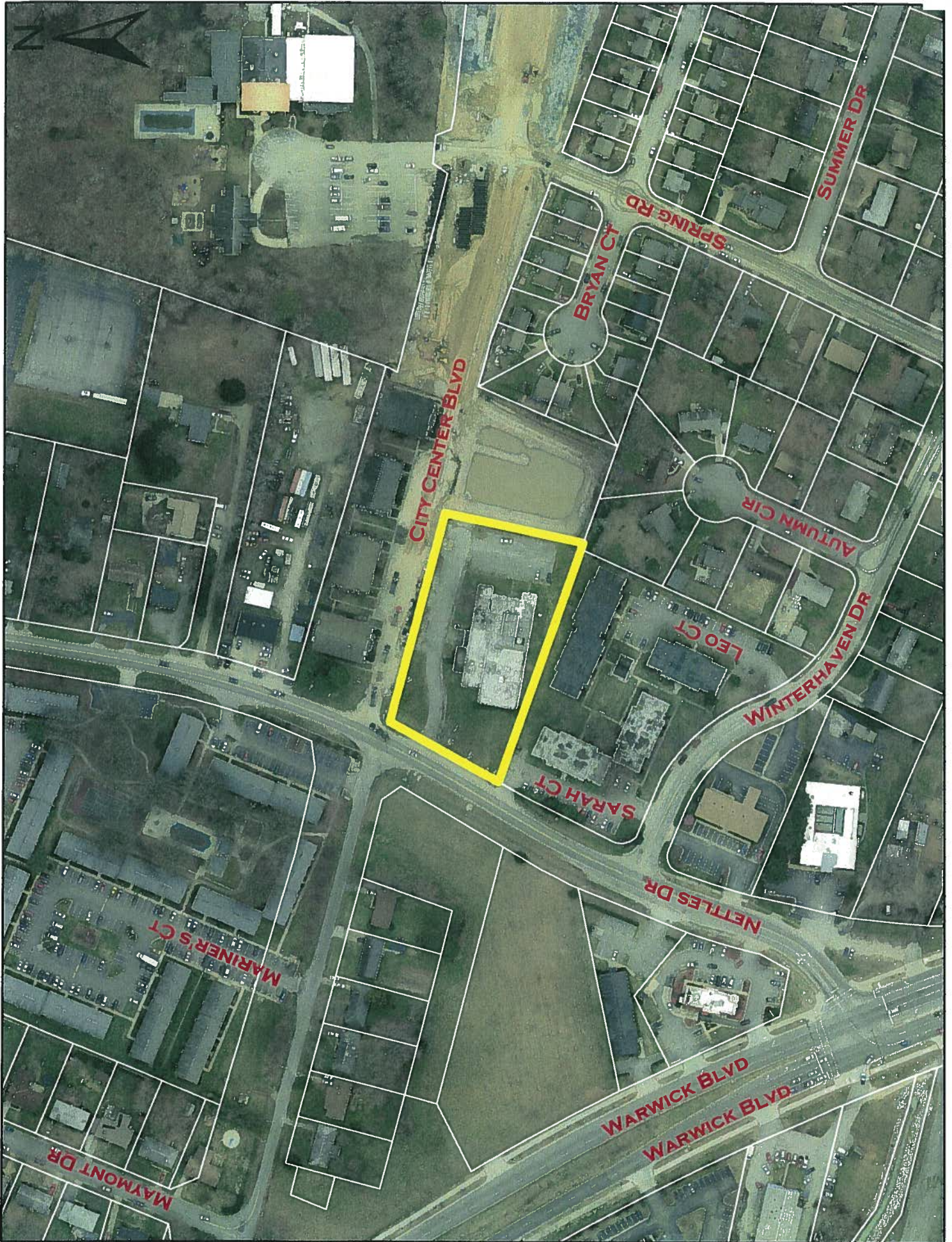
- A-1 VICINITY/ZONING MAP**
 - A-2 SITE PLAN**
 - A-3 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP**
 - A-4 AERIAL MAP**
 - A-5 TRAFFIC IMPACT ANALYSIS EXECUTIVE SUMMARY**
 - A-6 BUILDING ELEVATIONS**
 - A-7 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MARCH 2, 2016**
-



ADATH JESHURUN SYNAGOGUE CU-16-363



ADATH JESHURUN SYNAGOGUE **FRAMEWORK FOR THE FUTURE 2030**



Traffic Impact Assessment at 12646 Nettles Drive

EXECUTIVE SUMMARY

Presently, this site is a vacant synagogue zoned C-1, which will allow a convenience store without fuel sales. This project will be a new 7-Eleven convenience store with 3,250 square feet and 12 fueling positions and will require a conditional use permit (CUP) for the fuel sales. There is currently one full entrance on Nettles Drive near City Center Boulevard. The new facility proposes one (1) full entrance on Nettles Drive located further away from City Center Boulevard and one (1) right-in/right-out entrance on City Center Boulevard on the east side near the property line.

The intersection at City Center Boulevard and Nettles Drive is a signalized coordinated intersection. There are crosswalks, handicapped ramps, pedestrian heads and push buttons on all sides of the intersection. This signal is a part of a coordinated system on City Center Boulevard.

The proposed 7-Eleven has apartments immediately to the south followed by commercial uses. On the west side of Nettles Drive, there is a vacant commercial lot with residential single family homes west of the vacant lot. On the northwest corner of this intersection, there are apartments. On the northeast corner of the intersection, the property is zoned commercial. To the east of this site, there is a retention pond owned by the City and east and south of the pond there are single family residential developments. The east entrance onto City Center Boulevard will require VDOT approval.

Scope of Services

Mr. Jason Fowler with VDOT was contacted about this entrance and was sent the concept plan. He has the authority to approve this entrance without Commonwealth Transportation Board approval. Mr. Randy Cooper with the City of Newport News Traffic Engineering was also contacted about this project. He wants the a.m. and p.m. peak hour analyses for the signalized intersection and the two proposed entrances. He indicated that the City had received complaints from the public about the southbound Nettles Drive left turn movement not having adequate timing and their desire for a separate phase at the traffic signal. He wants this to be reviewed with the new 7-Eleven project. He furnished the City's Synchro models and 2015 turning movement counts at this intersection.

Improvements - Year 2016 Build Conditions –The following improvements are to be provided:

1. **Intersection of Nettles Drive and the 7-Eleven West Entrance** – This entrance shall be a new stop controlled standard full access entrance on Nettles Drive that will replace the existing full access entrance. It shall be moved to the back of the site and away from the signalized intersection with City Center Boulevard. This entrance shall have 2-exiting lanes (1-left & 1-right) and 1-entering lane. The right turn into the site is already in the right turn lane for City Center Boulevard. Due to the queuing on Nettles Drive during the p.m. peak hour, a modified R10-7 sign (DO NOT BLOCK DRIVEWAY) should be installed on the right side of the street.
2. **Intersection of City Center Boulevard & the 7-Eleven East Entrance** – This intersection shall be a new stop controlled right-in/right-out entrance. The right turn volumes on City Center Boulevard are well below the threshold for a right turn lane per VDOT warrants. It is our understanding that this entrance will require VDOT approval. See the right turn lane calculations in Appendix "E" for VDOT.
3. **Intersection of City Center Boulevard & Nettles Drive** – This new signalized intersection is ADA compliant on all four legs of this intersections. No improvements are recommended.
4. **Site Layout-** The proposed fuel truck route is very good. The existing sidewalk along these two streets shall be maintained with handicap ramps included at the proposed entrances.

This project will not adversely impact the traffic levels of service in this area.

K-M
ARCHITECTURAL
Architecture, Interior Design,
Graphic Design, Rendering,
Interior Design, Rendering,
Exterior Design, Rendering,
5555 West 12th Ave.
Suite 100
Denver, CO 80202
Phone: 303.733.7777
Fax: 303.733.7778
URL: www.kmarchitect.com

VERTICAL CONSTRUCTION
12646 NETTLES DR
NEWPORT NEWS, VA 23606
1211 SOUTH WHITE CHAPEL
SOUTH LAKE, TX 76092

7-ELEVEN STORE

Contractor: **7-ELEVEN STORE**
Architect: **K-M ARCHITECT**
Civil Engineer: **DALE ENGINEER**
P.E. PROFESSIONAL ENGINEER
Landscape Architect: **LOVE-AND ARCHITECT**
Electrical Engineer: **LOVE-AND ARCHITECT**

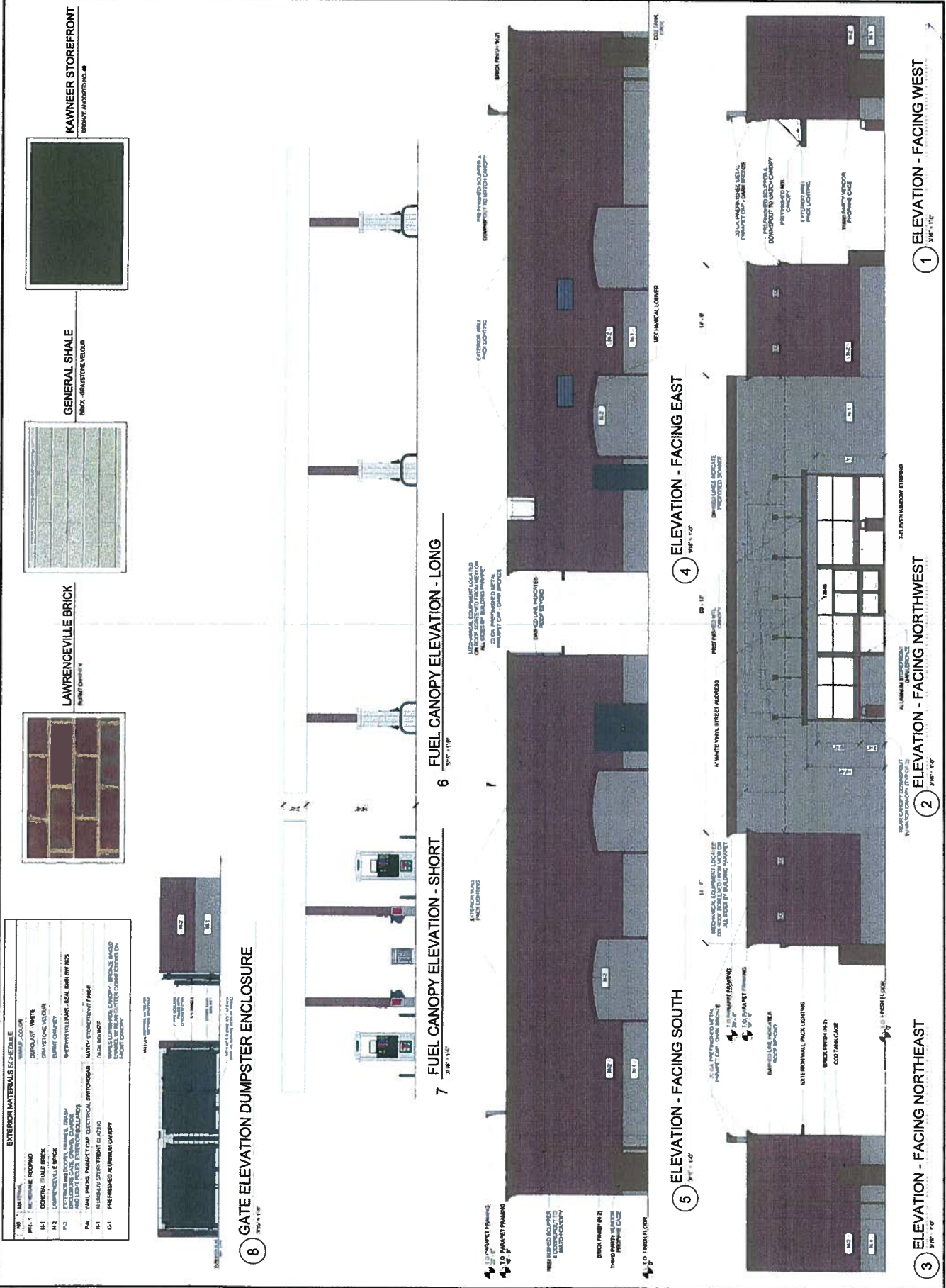
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Landscape Architect: **LOVE-AND ARCHITECT**
Electrical Engineer: **LOVE-AND ARCHITECT**



EXCERPTS FROM PLANNING COMMISSION MINUTES

March 2, 2016

CU-16-363, Adath Jeshurun Synagogue Requests a conditional use permit to allow for the construction of an automobile gasoline supply station in conjunction with a convenience store (7-Eleven) on a 1.61 acre parcel located at 12646 Nettles Drive and zoned C1 Retail Commercial. The Parcel No. is 193.00-04-09.

David Watson, Planner, presented the staff report (copy attached to record minutes).

Ms. Willis asked if there is a second driveway adjacent to the entrance on Nettles Drive. Mr. Watson stated yes. Ms. Willis asked if there are any regulations on how close driveways can be between the 7-Eleven and the adjacent apartment complex. Ms. McAllister stated they need to be 30 feet from the property line.

Mr. Carpenter opened the public hearing.

Mr. Stephen Romine, 999 Waterside Drive, Norfolk, Attorney for the applicant, spoke in favor of the application. Mr. Romine thanked Planning staff for their assistance. He gave a brief description of the project. Mr. Romine stated they had planned a six (6) foot privacy fence along the southern and eastern property lines; however, prior to the meeting they met with Barry Nachman, owner of the adjacent apartment complex, and have changed it to an eight (8) foot wood on wood privacy fence.

Ms. Fox asked why a wood privacy fence was selected. Mr. Romine stated the plan is to provide as much privacy to the adjoining apartment complex. He stated we had originally planned to construct a six (6) foot fence, but Mr. Nachman has indicated that there is a lot of foot traffic that runs across his property and adjacent properties with pedestrian cut-throughs and he was concerned about a travel-way between the 7-Eleven and the apartments. Mr. Romine stated we want to make the fence sufficiently high enough so it would impede that movement, in addition to heavy landscaping on each side of the fence so that over time it will become an attractive hedge. Ms. Fox stated previous applications have asked for a decorative opaque fence. Ms. McAllister stated the Ordinance dictates the fence requirements. She stated that within 100 feet of a right-of-way, a decorative opaque fence would be required.

Mr. Barry Nachman, 720 Thimble Shoals Boulevard, stated he is neutral to the application. He stated he is the property owner of the apartment complex adjacent to the subject property. Mr. Nachman stated that in working with 7-Eleven, they have done everything he has asked of them. He stated he is pleased with the proposed eight (8) foot privacy fence because they have had a lot of pass-through pedestrian traffic through the apartments. Mr. Nachman stated that, with the vacancy of the existing synagogue structure, people are hanging out, which has become problematic. He stated he thinks 7-Eleven is being a good corporate citizen and will build an attractive facility.

Mr. Orlando Alvarez, 2629 Spring Road, spoke in opposition of the application. Mr. Alvarez stated he has lived in the neighborhood adjacent to the proposed 7-Eleven for over 20 years and he is concerned about the foot traffic trespassing through his and his neighbor properties and throwing trash on the ground. He stated that if the city had built the sound barrier on City Center Boulevard all the way down the road, nobody could go around it and that would solve his foot traffic problem. Mr. Alvarez stated that if the 7-Eleven is robbed, or if there was an altercation in their parking lot, a wood fence would not stop a bullet but a brick wall or sound barrier would. He stated his grandchildren and his neighbor's children play outside and he is concerned a would-be robber would run through his neighborhood. Mr. Alvarez stated there is a 7-Eleven on the corner of Nettles Drive and Oyster Point Road and another 7-Eleven 1.6 miles down on Warwick Boulevard. He stated he is concerned about the lighting from the parking lot as well.

Mr. Carpenter asked how far down the sound attenuation wall extends. Mr. Alvarez stated it goes to the back of the properties at the end of the cul-de-sac of Bryan Court. Mr. Carpenter stated the eight (8) foot privacy fence should help with the foot-traffic problem. Mr. Watson stated there is a BMP located between the proposed 7-Eleven and the sound barrier wall.

Mr. Jones asked to what kind of foot traffic is Mr. Alvarez referring. Mr. Alvarez stated there are a lot of kids in the area who take a short cut through his street and his neighbors' back yards to get across City Center Boulevard to the basketball courts outside of the Jewish Community Center.

Mr. Carpenter asked Mr. Alvarez what he would propose to correct the situation. Mr. Alvarez stated he would like the 7-Eleven to have a brick and mortar fence in lieu of an eight (8) foot wood privacy fence.

Mr. Maxwell asked if Mr. Alvarez's main concern is a stray bullet coming through his neighborhood. Mr. Alvarez stated yes. Mr. Watson stated that right now, there is a vacant building; however, with the lighting, security cameras, and wood privacy fence, they have done their due diligence for the security of the area. Mr. Alvarez disagreed.

Mr. Groce asked if the city is responsible for the sound barrier wall. Ms. McAllister stated it was constructed by VDOT.

Mr. Romine shared the 7-Eleven site plan depicting the proposed eight (8) foot wood privacy fence along the eastern and southern boundary lines. He stated the city ordinance requires a step down when you are close to a right-of-way. Mr. Romine stated the parcel between the proposed 7-Eleven and the neighborhood is owned by the city. He stated it is a wet BMP. Mr. Romine stated he thinks the reason why the sound barrier wall ends is so the city can have access to its BMP for maintenance. He stated that once the fence is built along the southern and eastern boundaries, we have done all we can do to secure our site. Mr. Romine stated he is sympathetic to Mr. Alvarez's concerns, but he does not feel that we can fully address his concerns. Mr. Romine stated that extending the sound barrier to the intersection does nothing to address Mr. Alvarez's concerns. He stated even if the sound barrier wall came across the city's BMP property to the subject property line, it does not resolve that problem unless you are trying to connect those fences; however, the fence would still need to

step down adjacent to the right-of-way so it would not be an eight (8) foot fence all the way to the right-of-way. Mr. Romine stated there is not a solution where it is completely secure and he feels it would be unreasonable to require that.

Mr. Mulvaney stated the applicant is constructing a barrier fence and it is not appropriate for the Planning Commission to make the determination that a bullet-proof fence be installed. He stated the intention of the fence is to block the site from the adjacent apartments, and it is not appropriate for the Planning Commission to determine the fence be made of a different material based on a potential threat of a bullet. Mr. Carpenter stated it is the Planning Commission's purview to suggest negotiating with a property owner the material of a fence. He stated he has been involved in projects where the city insisted that an attractive masonry wall be built, which is very expensive. Ms. Fox stated the material of the fence should be at the discretion of the Director of Planning. Mr. Mulvaney stated his comments were based on the actual use, which is not a shooting range or a rifle facility. He stated that for Planning Commission to force the applicant to build a masonry wall because of potential bullet impacts is not in our purview.

Mr. Maxwell stated he feels that Mr. Alvarez is concerned that 7-Eleven will bring more crime to his neighborhood, and it would actually deter the crime. He stated a vacant building will attract more crime than a 7-Eleven store. Mr. Romine agreed. He stated that, as a corporate citizen, 7-Eleven is concerned about the security of their personnel and their customers. Mr. Romine stated 7-Eleven is the leader in the industry for crime prevention and safe and secure sites.

Ms. McAllister asked the Planning Commission to consider that this is an exposed corner. She stated the privacy fence is not adjacent to the backyards of residences. Ms. McAllister stated there will be a retention pond behind that particular fence or wall which will be exposed to City Center Boulevard.
Mr. Carpenter closed the public hearing.

Mr. Mulvaney made a motion to recommend approval of conditional use permit CU-16-363 to City Council, amending Condition No. 4 that the fence be an eight (8) foot high privacy fence. The motion was seconded by Ms. Fox.

Ms. Willis stated that, while she is cognizant of Mr. Alvarez's concerns of having something he considers dangerous being built near his neighborhood, she feels it would be unreasonable to expect 7-Eleven to build a thicker, bigger, more expensive wall. She stated that the proposed fence is suitable.

Vote on Roll Call

For: Fox, Jones, Mulvaney, Willis, Groce, Maxwell, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of conditional use permit CU-16-363 to City Council, as amended.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-363 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE OPERATION OF AN AUTOMOBILE GASOLINE SUPPLY STATION ON A SITE ZONED C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-16-363 has been made by **ADATH JESHURUN SYNAGOGUE, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of permitting the operation of an automobile gasoline supply station on a site zoned C1 Retail 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-16-363 is hereby granted for the property described in paragraph (b) hereof for the purpose of permitting the operation of an automobile gasoline supply station on a site zoned C1 Retail Commercial District; and

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

Beginning at the common corner with the easterly right-of-way of Nettles Drive, variable width public right-of-way and the southerly right-of-way of City Center Boulevard, variable width public right-of-way, having coordinates of North: 3561286.4428' East; 12067215.6925' Virginia State Plane South Zone (NAD 83); thence, running along the common line with the southerly right-of-way of City Center Boulevard, variable width public right-of-way S 75°30'12" E, a distance of 295.92 feet to a point; thence, S 295.92 feet to a point; thence, S 11°58'44" W, a distance of 219.90 feet to a point to the common corner with the southerly right-of-way of City Center Boulevard, variable width public right-of-way, and Parcel No. 193000410; thence, running along the common line with Parcel No. 193000410, N 70°08'29" W, a distance of 393.29 feet for the common corner with Parcel No. 193000410 and the easterly right-of-way of Nettles Drive, variable width public right-of-way; thence, running along the common line with the easterly right-of-

way of Nettles Drive, variable width public right-of-way N 39°40'50" E, a distance of 202.14 feet to the point of beginning as more particularly described on the plat attached hereto and made a part hereof entitled, "Boundary Line Survey Trustees Adath Jeshurun Synagogue Parcel No. 193000409," City of Newport News, Virginia, made by Vanasse Hangren Brustlin, Inc., dated October 7, 2014.

The Property has a common street address of 12646 Nettles Drive and Real Estate Assessor's Tax I.D.# 193-00.04-09.

(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. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised January 4, 2015, identified as Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit, the City's Site Regulations and the Zoning Ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by K2M Architecture, submission date January 13, 2016 "7-Eleven Site No. 1038561" and identified as Appendix A-6, which is attached hereto and made a part hereof. Full bricks shall be used to construct all facades. Final drawings shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
3. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the property's southern boundary.
4. An eight (8) foot high privacy fence shall be installed along the full length of the southern and eastern property lines. The fence shall be maintained in good condition for the duration of the use authorized by this permit. The materials, color and style of the fence shall be reviewed and approved by the Director of Planning.
5. A landscape plan in conformance with the requirements of the Site Regulations and Conditional Use Permit shall be submitted to and approved by the Director of Planning prior to site plan approval. 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.

6. The applicant shall implement the site improvements as recommended in the September 24, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B. Goodloe PC.
7. Only one (1) freestanding sign shall be permitted on the Property. The sign shall be a monument style sign no taller than eight (8) feet measured from the highest point of the sign structure to the top of the curb. The sign shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.
8. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.
9. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
10. There shall be no signage on the fueling stations other than that required by law for safety.
11. Signage on the canopy shall be limited to the placement of a logo.
12. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.
13. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.
14. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be approved by the Director of Planning prior to site plan approval and shall be maintained in such condition in perpetuity.
15. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA). A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Planning. Lighting shall be installed and operated as shown on the approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.

16. The playing of music on outdoor speakers shall be prohibited.
17. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
18. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station or the convenience store. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases, as each event occurs.
19. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of twelve (12) months:
 - a. The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
 - b. The canopy shall be removed; and
 - c. The real property on which the improvements listed in subsection (a) and (b) above are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the City.
20. Prior to operating the use permitted by this conditional use permit, a bond

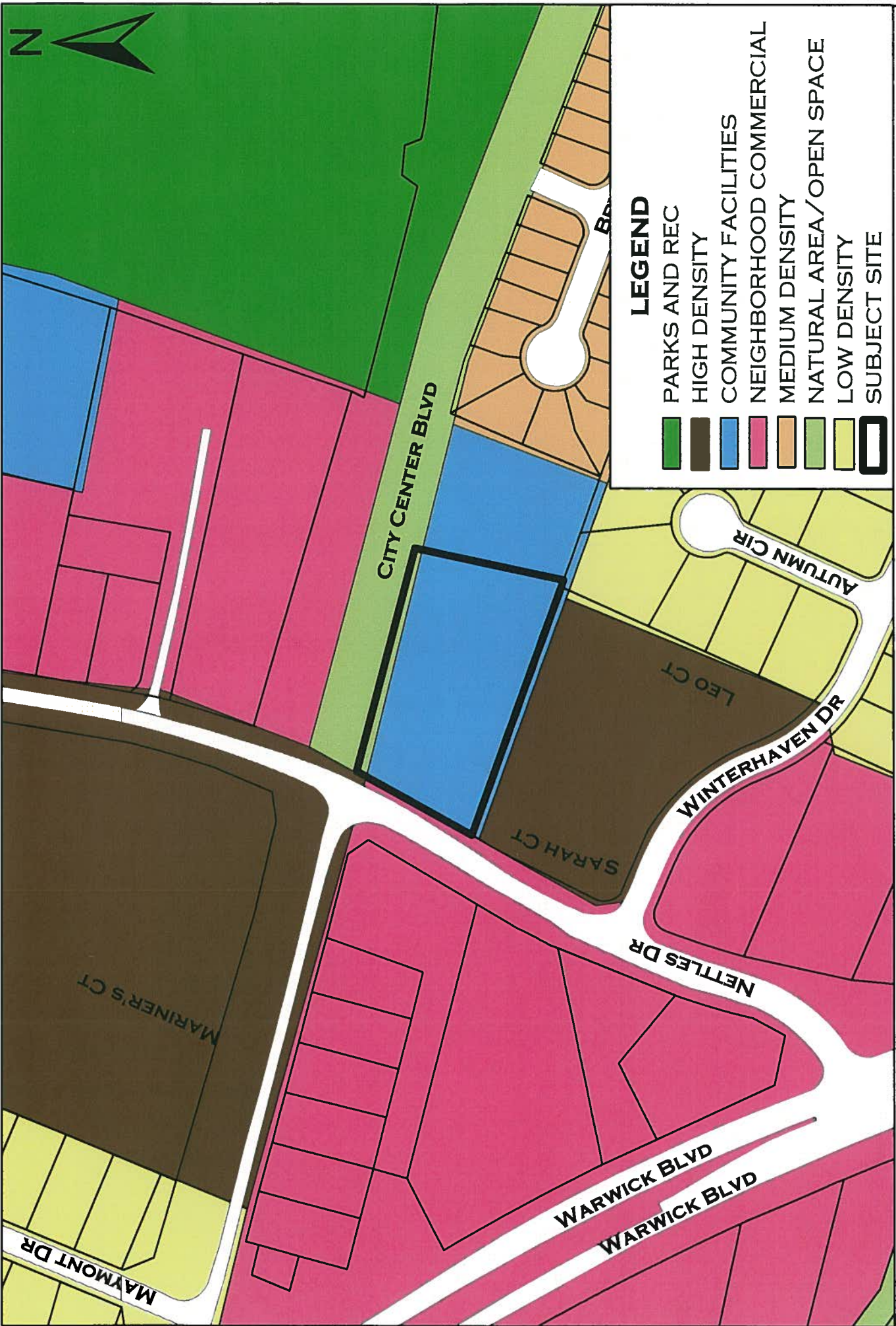
in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 19. a, b, and c.

21. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
22. There shall be maintained on the Property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by Applicant to the site. The mobile generator(s) and the facility shall be operable within twelve (12) hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within twelve (12) hours of the occurrence of a winter storm which disrupts power to the Property.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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 March 22, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.



FRAMEWORK FOR THE FUTURE 2030

ADATH JESHURUN SYNAGOGUE

[illegible]

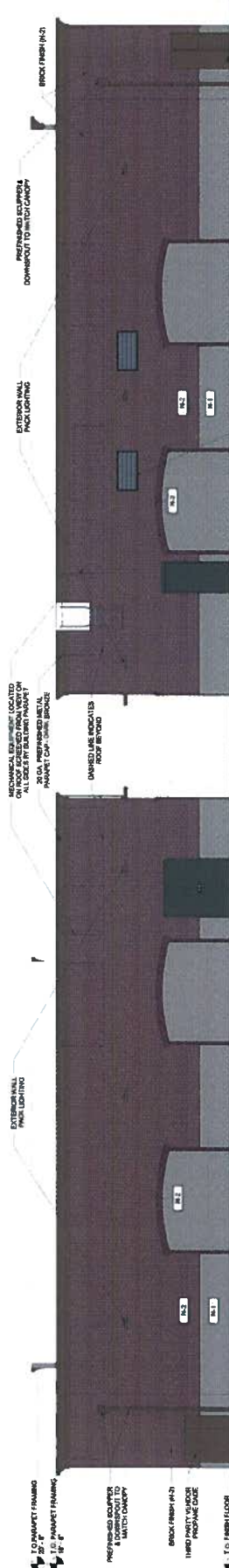
GATE ELEVATION DUMPSTER ENCLOSURE



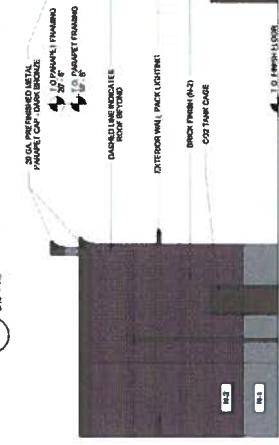
- FUEL CANOPY ELEVATION - SHORT



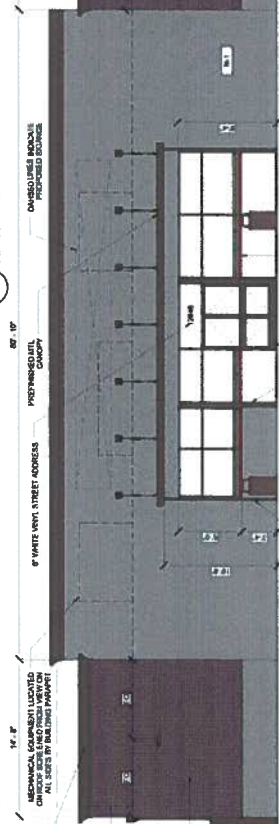
FUEL CANOPY ELEVATION - LONG



ELEVATION - FACING SOUTH



ELEVATION - FACING EAST



3 ELEVATION - FACING NORTHEAST



2 ELEVATION - FACING NORTHWEST



E. Public Hearings

3. Ordinance Authorizing the City Manager to Execute Any and All Documents Necessary to Effectuate the Conveyance of City-owned Property to the Industrial Development Authority (IDA) for the Expansion of Printpack, Inc.

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE CONVEYANCE OF CITY-OWNED PROPERTY IN OAKLAND INDUSTRIAL PARK TO THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) FOR THE EXPANSION OF PRINTPACK, INC.

BACKGROUND:

- Printpack, Inc. is expanding its facility in Newport News.
- The Company's total investment for this expansion includes \$25.7 million in real estate and machinery and tools improvements, and the creation of approximately 50 new jobs at the facility.
- The facility expansion requires 2.9 acres of additional land from an adjacent City-owned parcel.
- Conveyance of the referenced 2.9 acres of land to the IDA will facilitate this important expansion, and will be incorporated by the IDA in its sales transaction with Printpack for Printpack's acquisition of the existing facility.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re City-owned Property Conveyance
sdm14207 Authorizing Conveyance of Property to IDA

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council

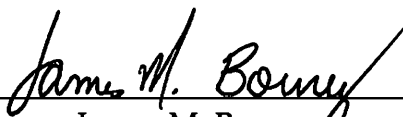
FROM: City Manager

SUBJECT: Conveyance of City-owned Property in Oakland Industrial Park

On January 26, 2016, Governor Terry McAuliffe announced that Printpack, Inc. plans to expand its facility in Oakland Industrial Park by creating 50 new jobs and investing \$25.7 million in new capital expenditures providing long-term benefits to the City of Newport News. In order to construct the facility expansion, approximately 2.9 acres of additional land from an adjacent City-owned parcel is needed.

Conveyance of the referenced 2.9 acres of land to the Industrial Development Authority of Newport News, Virginia (IDA) will facilitate this important expansion, and will be incorporated by the IDA in its sales transaction with Printpack for Printpack's acquisition of the existing facility.

The expansion of Printpack, Inc. in Newport News is significant for our City. I recommend approval of the Ordinance, prepared and provided to you by the City Attorney's office, authorizing the conveyance of 2.9 acres of City-owned land in Oakland Industrial Park to the IDA.


James M. Bourey

JMB:dep

cc: Wendy C. Drucker, Chair, Industrial Development Authority (IDA)
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 ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS.

WHEREAS, the City Manager has recommended that certain City owned property located in the Oakland Industrial Park be conveyed to the Industrial Development Authority of the City of Newport News (the "IDA"); 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 of approximately 2.9 acres of City-owned property (Tax ID: 041.0001-01) located immediately adjacent to IDA-owned property at 270 Picketts Line Road (Tax ID: 041.0001-17) to the Industrial Development Authority of the City of Newport News. The property to be conveyed is more fully described on the plat attached hereto and made a part hereof.

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

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

4. That this ordinance shall be in effect on and after the date of its adoption, March 22, 2016.



NOTES

1. HORIZONTAL DATUM REFERENCE IS STATE PLANNED COORDINATE SYSTEM WIRGINIA SOUND (1981) (NSRS 2007 ADJUSTMENT), US SURVEY FOOT.
2. SURVEY PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS THEREFORE SUBJECT TO ALL ENCUMBRANCES ON THE PROPERTIES.
3. ACCORDING TO FEMA MAP NUMBER 5101-S300070, REVISED DECEMBER 2014, BOTH PROPERTIES FALL WHOLLY WITHIN FLOOD ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
4. REFERENCE DOCUMENTS
-D.B. 1210, PG. 1569
-D.B. 1444, PG. 2171
-D.B. 1154, PG. 922
-VDO PROJECT #0004-108-PE-101-FW-201
-SECONDARY SURVEY OF PROPERTIES OF THE UNITED STATES
-PROPERTY BASED LANDLOT-EDS15 (ABLE)
DATE 11/23/2013
PREPARED BY WOOLPERT
-PLAT OF THE PROPERTY OF CITIZENS & MARINE BANK,
TRUSTEE OF THE "MILBERRY TRUST"
8410 ACRES
CORNER & ASSOCIATES, ENGINEERS
5. BASED ON CORRESPONDENCE FROM THE ATTORNEY FOR THE CITY OF MEMPHOR NEWS, DATED 03/04/2016, THE CITY OF MEMPHOR NEWS AND WYAMICK COMPANY HAVE INTEREST OF EASEMENT BUT NOT FEE SIMPLE OWNERSHIP ON DOZIER ROAD.

APPROVED
CITY OF NEWPORT NEWS

EVERETT P. SKIPPER, P.E., B.C.E.E.
DIRECTOR OF ENGINEERING

AUTHORIZES REPRESENTATIVE
 NEWPORT NEWS INDUSTRIAL GROUP
 CITY OF NEWPORT NEWS - STATE OF VIRGINIA
 I, _____, A NOTARY PUBLIC IN AND FOR THE CITY AND
 STATE AFORESAID, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSON(S)
 WHOSE NAME(S) ARE SIGNED TO THE FOREGOING WRITING HAVE
 ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.
 GIVEN UNDER MY HAND THIS _____ DAY OF _____ 2010
 MY COMMISSION EXPIRES _____

THIS BOUNDARY LINE ADJUSTMENT PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

THIS IS TO CERTIFY THAT THE LAND EMBODIED IN THIS BOUNDARY LINE ADJUSTMENT PLAT IS IN THE NAME OF _____ WAS ACQUIRED AS FOLLOWS:

PARCEL 38, FROM THE CITY OF NEWPORT NEWS BY DEED DATED OCTOBER 14, 1986, RECORDED IN DEED BOOK 1445 ON PAGE 1334.

CITY OF NEWPORT NEWS PROPERTY IS A PORTION OF RESIDUAL PROPERTY ACQUIRED DURING THE RESIDUALS PERIOD OF THE HOUSING ALLOWANCE PROGRAM FOR EMPLOYEES OF THE CITY OF NEWPORT NEWS, VIRGINIA. THE CITY OF NEWPORT NEWS, VIRGINIA HAS BEEN COMPLIED WITH AND THE SURVEY AND PLAT ARE CORRECT.

LESSOR OF PARCEL 35 IS SPINPACK, INC. BY CONVEYANCE FROM THINPACK, INC. AND AMCOR PACKAGING U.S.A., INC. BY DEED DATED AUGUST 29, 2003 RECORDED IN DEED BOOK 1849 ON PAGE 590.

STATE OF VIRGINIA, CITY OF NEWPORT NEWS, IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE CITY OF NEWPORT NEWS, VIRGINIA, ON THE
DAY OF _____, 2016, THIS PLAT WAS RECEIVED AND
ADMITTED FOR RECORD IN INSTRUMENT NUMBER _____.



DATE	NO.	REVISIONS	BY

BOUNDARY LINE ADJUSTMENT
BETWEEN
270 PICKETT'S LINE AND ADJACENT
CITY OF NEWPORT NEWS PROPERTY
NEWPORT NEWS, VA

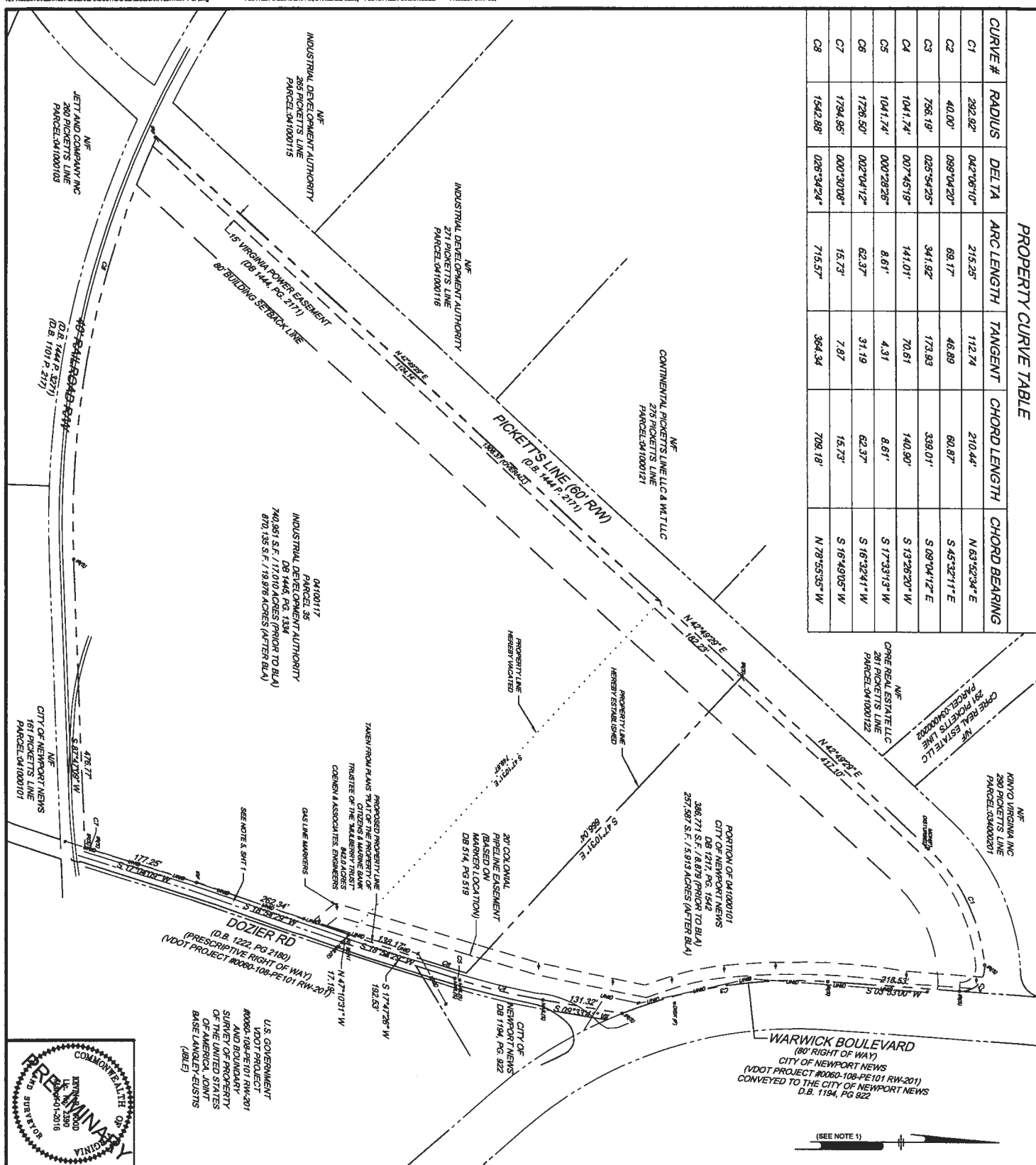
INDUSTRIAL DEVELOPMENT AUTHORITY
2400 WASHINGTON AVE, 3RD FLOOR
NEWPORT NEWS, VIRGINIA 23607



PENNONI ASSOCIATES INC.
349 Southport Circle, Suite 100
Virginia Beach, VA 23452
T 757.497.7472 F 757.497.0250

DATE	2016-02-25
DRAWING SCALE	N.T.S.
DRAWN BY	PP/MDC
APPROVED BY	KBYA
NIDA1601-V-SF	
SHEET	1 OF 2

PROPERTY CURVE TABLE						
CURVE #	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	292.92'	042°06'10"	215.25'	112.74'	210.44'	N 63°52'34" E
C2	40.00'	089°04'20"	69.17'	46.89'	60.87'	S 45°32'11" E
C3	756.19'	025°54'23"	341.92'	173.93'	339.01'	S 09°04'12" E
C4	1041.74'	007°45'19"	141.01'	70.61'	140.90'	S 13°28'20" W
C5	1041.74'	000°28'26"	8.61'	4.31'	8.61'	S 17°33'13" W
C6	1726.50'	002°04'12"	62.37'	31.19'	62.37'	S 16°32'41" W
C7	1794.95'	000°30'03"	15.73'	7.67'	15.73'	S 16°44'05" W
C8	1542.86'	026°34'24"	716.57'	364.34'	709.18'	N 78°55'35" W



BOUNDARY LINE ADJUSTMENT
BETWEEN
270 PICKETT'S LINE AND ADJACENT
CITY OF NEWPORT NEWS PROPERTY
NEWPORT NEWS, VA

INDUSTRIAL DEVELOPMENT AUTHORITY
2400 WASHINGTON AVE, 3RD FLOOR
NEWPORT NEWS, VIRGINIA 23607



PENNONI ASSOCIATES INC.
349 Southport Circle, Suite 100
Virginia Beach, VA 23452
T 757.497.7472 F 757.497.0250

DATE	NO.	REVISIONS	BY

ALL OBLIGATIONS INCURRED BY PERSONAL ASSOCIATES AND INSTAUMENTS OF SERVICE IN RESPECT OF THE PROJECT, THEY ARE NOT INTENDED OR REPRESENTED TO BE SATISFIED FOR EITHER BY OWNERS OR OTHERS ON THE EXTENSION OF THE PROJECT OR ON ANY OTHER BASIS. THE ASSOCIATES AND INSTAUMENTS OF SERVICE OR COMPLETION BY PERSONAL ASSOCIATES FOR THE SPECIFIC PURPOSE WILL NOT BE A TOWNSHIP'S SOLE FIRST AND WITHOUT LIABILITY OR LEGAL, EXPOSURE TO PERSONAL ASSOCIATE AND OWNERS SHALL INCURR AND HOLD INDIVIDUAL PERSONAL ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT NIDA1601

DATE	2016
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DRAWING SCALE	1
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UNIVERSITY OF	1-1
ALABAMA	

1000

NIDA1601-V-SF

SHEET 2 OF 2

F. Consent Agenda

1. Minutes of the Financial Retreat of January 19, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Financial Retreat of January 19, 2016

**MINUTES OF FINANCIAL RETREAT
OF THE NEWPORT NEWS CITY COUNCIL
HELD AT THE MARINERS' MUSEUM
IN THE HUNTINGTON ROOM
100 MUSEUM DRIVE
JANUARY 19, 2016
8:30 A.M.**

PRESENT: Herbert H. Bateman, Jr. (10:51 a.m.); Sandra N. Cherry, D. Min.; Robert S. Coleman;
McKinley L. Price, DDS; Sharon P. Scott (arrived at (10:15 a.m.); and Dr. Patricia P.
Woodbury ----- 6

ABSENT: Tina L. Vick ----- 1

OTHERS PRESENT: James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf;
Alan Archer; Lisa Cipriano; Chad Pritchett; Sherry Crocker; Florence Kingston; Everett Skipper; Scott
Dewhirst; Yvonne Manning; Jennifer Walker; RoShaundra Ellington and Theresa Clift

I. Financial Retreat

Mr. James M. Bourey, City Manager, explained that the City of Newport News FY 2017 – 2021 Five-Year Financial Forecast focused on the General Fund as well as User Fee and Other Funds. The Forecast assumed the current level of program offerings and services and limited expenditure increases. He advised that Ms. Lisa Cipriano, Director, and staff, Department of Budget and Evaluation, developed the FY 2017 – 2012 forecast with input from the City's Operating Departments. The Departments provided expenditure cost estimates over the next five years to include current service levels with some enhancements for additional consideration and discussion. The FY 2017 – 2021 Five-Year Financial Forecast was a balanced budget. Staff felt there were matters that needed to be addressed, but were not included, as they did not fit into revenue projections.

City Manager Bourey explained that the FY 2017 – 2021 Five-Year Financial Forecast would assist with the development of future operating budgets. As a note of caution, he advised that the FY 2017 numbers were estimates and not included in the upcoming FY 2016 – 2017 Recommended Operating Budget. He recognized and introduced Mr. Elliot Gruber, President and CEO, of the Mariners' Museum, to offer welcoming remarks, followed by Ms. Cipriano who would present the FY 2017-2021 Five-Year Financial Forecast (a copy of the presentation, "City of Newport News Five-Year Financial Forecast, FY 2017 to FY 2021," is attached and made a part of these minutes).

Mr. Gruber welcomed members of City Council and staff to the Mariners' Museum. He stated, as the new President of the Mariners' Museum, he had to become focused on the museum's future, as the museum was losing relevance to the City and the maritime community. He advised, with the City Manager's involvement and support, the museum had become involved with the Newport News Public

School's Summer Program for Arts, Recreation and Knowledge (SPARK) and the City's Summer Training and Enrichment Program (STEP). Although, the Mariners' Museum was a strong financial institution, it would not be successful without active participation from the community. Their Strategic Plan emphasized the importance of becoming a stronger community partner. Mr. Gruber announced that the Mariners' Museum would sponsor a program entitled "People First", in April 2016. He advised that the program would be a celebration of people for one reason or another. He stated the museum planned to sponsor several new programs and events in the future. He welcomed suggestions, comments, or criticisms as he wanted to ensure an open partnership and relationship with the City. He was excited about the future. He turned the floor over to Ms. Cipriano.

Ms. Cipriano noted the purpose of the FY 2017 – 2021 Five-Year Forecast:

- To get a good picture of the City's operational needs over the next five years
- To understand the revenues that would become available to fund future needs
- To discuss priorities for available funding
- To have a conversation about financial strategies

Ms. Cipriano stated the Department of Budget and Evaluation considered many sources (Bureau of Economic Analysis; Bureau of Labor Statistics; Federal Reserve Bank of Richmond; Local Universities, etc.) in preparation of the FY 2017 – 2021 Five-Year Forecast (Forecast). She stated it was important to consider what made sense for the City of Newport News as well as the Hampton Roads Region.

Ms. Cipriano reiterated that the Forecast was not the proposed FY 2016 – 2017 Recommended City Manager's Operating Budget, although it included large factors and building blocks for the FY 2016 – 2017 Operating Budget, such as debt service projections, contributions to schools and salary assumptions. Staff began the Forecast with the FY 2015 – 2016 Adopted Operating Budget.

Ms. Cipriano reminded that the components of the FY 2016 Financial Plan totaled \$925 million and was comprised of the following:

1. FY 2016 Recommended Operating Budget	\$828,696,882
General Fund	\$464,247,000
Separate Funds	\$102,295,504
Special Revenue Funds	\$263,154,621
School Operating Fund	\$295,872,597
2. FY 2016 Approved Capital Improvements Plan (CIP)	\$ 96,401,321
General Fund Supported Projects	\$ 55,696,821
User-Fee Supported Projects	\$ 40,704,500

Ms. Cipriano noted the composition, by percentages, of the FY 2016 Operating Budget:

• General Fund	41.2%
• School Fund	26.3%
• Other Special Revenue & Trust (Approximately 20 funds to include Parks Revolving Funds; Economic Development Revolving Funds; Pension Fund; OPEC Fund, etc.)	18.5%
• Waterworks Fund	7.7%
• Wastewater Fund	1.9%
• Stormwater Fund	1.8%
• Solid Waste Fund	1.3%
• Vehicle Services Funds	1.2%
• CDBG Fund	0.1%

Ms. Cipriano advised that the FY 2017 – 2021 Financial Forecast did not include projections for the Schools; it only included issues that the City had direct control over - Revenues and Expenditures. The largest two portions of the Operating Budget were Schools and the General Fund, which made up two-thirds of the entire annual Operating Budget. The Forecast would focus on the General Fund.

Ms. Cipriano stated 77% (\$356 million) of the \$464 million FY 2016 General Fund Revenue fell into two areas:

- Other Local Taxes (Sales, Meals, Lodging and BPOL Taxes) – 39%
- Real Estate Taxes (Real Estate, Personal Property and Machinery and Tools Taxes) - 38%

Mayor Price inquired whether projections were done for worst case scenarios should matters be out of the City's control, such as the elimination of the Machinery and Tools Tax. Ms. Cipriano replied yes.

Councilwoman Woodbury inquired whether the Meals tax had increased. Ms. Cipriano replied that the Meals tax was increased in FY 2013.

Councilwoman Woodbury inquired about the City's Meals tax in comparison to surrounding localities. Ms. Cipriano replied that Newport News' Meals tax was equal to the City of Hampton.

Ms. Cipriano stated the following revenue assumptions were considered in building the FY 2017 - 2021 Financial Forecast:

- Increase of Real Estate Assessments – property values and new developments
- Growth in Personal Property, Machinery & Tools, BPOL, Sales, and Meals Taxes
- No State Reductions
- Level or minor growth in other categories
- Overall Revenue Growth

Ms. Cipriano noted the General Fund Revenue Main Drivers of the FY 2017 – 2021 Financial Forecast (see detailed information in the presentation attached to these minutes, pages 16 – 35):

- Real Estate Tax Revenue - 10.4% increase
 - Includes Current, Delinquencies, Tax Deferrals, Public Service Corporations
 - No increase in Real Estate Tax rate
 - Increases in assessed values along with new developments

City Manager Bourey advised that much of the increase would be from natural growth in property assessments as well as additional property development. He advised that a substantial increase in revenue would be realized should the City develop Endview and the City Farm, along with other properties.

Mayor Price advised that several localities in the State had a three year assessment process, wherein they realized less of an annual impact. He inquired whether such was advantageous and whether it was done due to a state mandate. Ms. Cipriano replied that the City Code required an annual assessment process; however, York County was on a two-year assessment process.

Mayor Price inquired whether the City could change the assessment process. City Manager Bourey replied that staff felt it was equitable to continue with the annual assessment process as it would be to the City's advantage given growth and what was happening.

City Attorney Owens replied that most urban areas in the State followed an annual assessment process. Most of the rural Counties followed a biennial assessment process. He was not too familiar with jurisdictions that followed a three year assessment process.

Ms. Cipriano stated that the annual assessment process was more responsive, allowing appropriate adjustments based on revenue growth or decline.

- Personal Property Tax Revenue - 5% increase
 - Included current and delinquencies
 - FY 2017: 3% increase reflected increased levy (vehicles) and Business Personal Property Tax growth from economic development
 - FY 2017 – FY 2021: 1.2% increase annually
- Machinery and Tools Tax Revenue - 8% increase
 - Included Current and Public Service Corporations (PSC)
 - FY 2017 – FY 2021 1.8% to 2.2% increase annually due to economic expansion

Councilwoman Scott questioned which entities paid the most in Machinery and Tools taxes. Ms. Cipriano replied the Shipyard, Canon, and Continental.

- Sales Tax Revenue - 12% increase
 - Retail at Tech Center fully operational by FY 2017
 - FY 2017 – FY 2021: 2.1% to 3.1% increase annually due to economic expansion
- Meals Tax Revenue - 8% increase
 - FY 2017 – FY 2021: 1.6% to 2.5% increase annually due to economic expansion
- BPOL Tax Revenue - 8% increase
 - FY 2017 – FY 2021: 2.4% to 4.3% increase annually due to a recovering economy and the expansion of local businesses
 - Gross Receipts tax on Contracting, Retail Sales, Professions, Repairs, Wholesalers, Penalties, Interest, Prior Taxes

Ms. Cipriano advised that the Real Estate Tax rate would need to increase .28 cents (from \$1.22 to \$1.50) should the City's authority to collect Machinery & Tools and BPOL taxes be eliminated by the General Assembly.

- General Fund Revenues – Other Categories - 2% increase
 - State Aid to Localities: Forecast contains NO additional rounds of State cuts in FY 2017 – FY 2021
 - One declining revenue – Telecommunications Tax unless revised by the General Assembly
 - Most other revenue categories were fee or rate based – not much change in growth. Anticipated to be relatively flat or minimum growth at 2%

Ms. Cipriano explained that the State designated the number of positions and salaries for the staff of Constitutional Officers, and reimbursed a small portion of their operating cost. The City supplemented various salaries and positions for Constitutional Officers for which the State did not reimburse. The City only received reimbursement for what the state felt the job was worth.

Mayor Price understood that there was no discussion regarding the Schools, but inquired whether there was any projection on impact aid. Ms. Cipriano replied that the Governor's budget for FY 2017 included an additional \$1 billion over the biennial for the City, but, she was not aware of federal impact aid.

City Manager Bourey stated that there needed to be some discussion about Schools, as the City did not include a significant increase for the Schools in the Capital Improvements Plan (CIP) or the Operating Budget. The Governor's budget had a significant increase for the Schools. He reiterated that a conversation was needed because there was a significant gap in the CIP for the Schools that needed to be addressed.

Ms. Cipriano noted the majority of the FY 2016 General Fund Expenditures were spent in the following categories:

- Salaries and Fringes 43.8%
- Support for Schools 25.5%
- All Other 22.7%
- Debt Service 8.0%

Ms. Cipriano stated 77.2% (\$358.5 million) of the \$464 million of the FY 2016 General Fund Expenditures fell into three areas:

- Salaries and Fringes 43.8%
- Support for Schools 25.5%
- Debt Service 8.0%

Ms. Cipriano advised that the following General Fund Expenditure Assumption were considered in building the FY 2017 - 2021 Financial Forecast:

- Salary increases of 3% each year
- Planned NNERF contributions (100% of Annual Required Contribution (ARC) in FY 2016 – meant flat contributions for FY 2017 to FY 2021)
- VRS rates of 6% in FY 2017, 9% in FY 2018, 10% in FY 2019-2021, including growing VRS workforce

Ms. Cipriano reminded that NNERF was closed in FY 2010. She advised that City employees hired after March 1, 2010 were a part of the VRS Retirement Plan. The City paid 100% of the VRS Annual Required Contribution annually and would never fall behind. One-third of the City's workforce was a part of the VRS (1,114 employees).

Councilwoman Woodbury inquired about the number of employees that were left in NNERF. Ms. Cipriano replied that NNERF covered retirees and current City employees. One-third of approximately 3300 to 3500 City employees were in the VRS retirement system.

Councilwoman Woodbury inquired about the proposed increases to VRS contributions from 6% to 9%. Ms. Cipriano replied that the City's contribution to VRS would increase as NNERF employees retired. City Manager Bourey explained that the numbers would increase in a natural way due to the transition of NNERF employees to VRS employees. As NNERF employees left and retired, new hires would be a part of the VRS.

Ms. Cipriano stated the total Annual Required Contribution for both the NNERF and VRS amounted to approximately \$41 million. City Manager Bourey explained that the Actuary required a certain ARC based on future needs. Ms. Cipriano stated it was anticipated that the City would be required to contribute to NNERF for the next 50 or more years. The ARC for VRS would increase as the ARC for NNERF decreased over the years.

- Healthcare increases of 3% in FY 2017-2021

City Manager Bourey explained that for the past three years the City put a premium on wellness, which had made a substantial difference in the City's health insurance premiums. The City offered employees a \$50 Gift Card for having an annual physical. By doing so, employees began to realize and work on health issues. Employees also received a \$50 gift card for doing an online health assessment, which offered feedback on how to improve their health. The City health insurance premiums decreased due to employees becoming more aware and taking steps to improve their overall health. He believed further premium reductions would be realized in the future as employees took steps to improve and monitor their health. Initially, prescription drug use would increase because employees were finding out about issues, such as hypertension, that they did not know they had. City Manager Bourey believed that over time, as the City continued to stress wellness, drug use would decrease.

City Manager Bourey advised that the City performed a Health Insurance Dependent Audit in 2015, which showed that there were many illegal dependents that should not have been on the City's healthcare system. The audit results also saved the City money.

Councilwoman Scott questioned how employees were able to include non-dependents on their healthcare coverage. City Manager Bourey replied that employees continued to include ex-spouses and non-dependent aged-out children on their healthcare coverage. The City saved approximately 3% on healthcare premiums due to the Dependent Audit.

City Manager Bourey advised that a \$100 gift card would be awarded to City employees who completed their annual physical, an online health assessment and an online counseling session.

Councilwoman Cherry inquired whether numbers or names were received from Anthem in relation to the health assessments and annual physicals. City Manager Bourey replied that the City received the number of employees who completed the requirements; however, an employee's information was confidential. Ms. Cipriano replied that Anthem reported that an employee had completed their annual physical, but they did not include any bio-metric information.

Vice Mayor Coleman inquired about the reason that Schools were on a separate healthcare system than the City; he believed that the healthcare premium was lower if the employee pool was larger. Assistant City Manager Rohlf replied the Schools healthcare was generally more expensive than the City's, due to their population. City Manager Bourey explained that the creation of a larger pool may result in lower overall costs, but would not work for the City and Schools because the Schools' incidence of use was higher.

- Debt Service/Cash Capital amount based on adopted CIP
- Fuel increase 1% annually in FY 2017 – 2021

Mayor Price inquired whether there were any federal incentives for the City to use alternative types of fuel. Ms. Cipriano replied there was a huge cost to convert existing vehicles to alternative fuels. The City did have some vehicles that used alternative fuel.

- Utility increases of 3% each year
- HR Regional Jail per diems increase by \$1 annually in FY 2017 – 2021

Ms. Cipriano advised that the Regional Jail rate would increase by \$1 per year over the next five years. The City budgeted for a minimum of 200 inmates per day, which amounted to \$4.5 million.

Councilwoman Woodbury inquired whether all 200 slots were filled at the Regional Jail. Ms. Cipriano replied most of the 200 positions were filled, which was tracked on a monthly basis.

- Local grant match included for COPS grant; retention of officers after completion
- Level funding programmed for NNPS, CSB, other outside agencies
- HRT – 3% annual increases

City Manager Bourey advised that the City was not doing all it could for transit. He stated a Rapid Transit Study was underway that would dramatically change how transit was provided in the City. Transit was very important and funding had to be increased.

Mayor Price inquired about the size of HRT buses for particular routes that had only a few riders. City Manager Bourey replied that much of HRT's cost was related to bus drivers. He stated that a smaller bus and route would not provide huge savings. It was rather difficult to benefit from a smaller bus, as there were periods of the day when a small route became full.

Ms. Cipriano noted Salary Cost Projections from FY 2017 – 2021 would amount to 3% annually and result in an overall growth of approximately \$160 million.

Ms. Cipriano noted the History of Salary Adjustments from FY 2010 - 2016, which did not include salary increases made to offset increased retirement contributions (see information on page 42 of the presentation attached and made a part of these minutes).

Mayor Price inquired whether there were any projections for fluctuations in salary increases. Ms. Cipriano replied it was based on an individual's performance since it was merit based.

Councilwoman Cherry felt that employee performance criteria needed to be looked into as there were issues.

Ms. Cipriano noted the amount of General Fund Positions had decreased since FY 2010 from a gross reduction of 522 positions and a net reduction of 139 General Fund positions. Since that time, employees had provided the same amount of service, as matters were handled smarter and more efficiently due to technology.

Ms. Cipriano noted Pension and Healthcare Projections for FY 2017 - 2021. She advised that General Fund five year projections amounted to an overall annual increase of 2%. She noted a few areas that would need to be addressed to balance future revenues and expenditures:

- Expenditure reductions, but smaller than past years
- Projected gap less with potential higher revenue growth actually was realized. Revenue growth was critical to avoid further expenditure reductions
- Projected need for enhanced revenue increases if additional funding was provided to enhance services
 - New positions for meeting projected needs
 - Operating equipment – technology and vehicles
 - Continued restoration of programs & services to levels prior to Recession
 - New Programs

City Manager Bourey advised that many City facilities and buildings were in need of repair. He stated such needs were not included in the five-year plan. No increases were proposed for the School's CIP. He spoke with Dr. Ashby Kilgore, Superintendent, NNPS, about a meeting between the School Board and City Council. He suggested a Work Session discussion be planned.

City Manager Bourey stated that additional funding was needed for the Youth and Gang Violence Initiative. He stated staff hoped to expand STEP. A briefing was planned in the near future.

City Manager Bourey stated that HRT routes needed to be expanded; however, additional funding would be needed. It would be nice to have a Transit funding source outside of the General Fund. A General Fund contribution would be needed to purchase smaller buses and/or replace the fleet.

Mayor Price inquired whether the Rapid Transit Study included efficiencies that might reduce routes or make them efficient. City Manager Bourey replied that HRT was studying a Transit Corridor to travel through a 25-mile corridor of Newport News and Hampton. He believed a rapid transit system would be proposed if the study determined that the numbers justified the investment. The current system would have to be reconfigured and be a feeder network that travelled through residential neighborhoods and commercial areas. He believed there would be more efficiency, along with a significant capital costs and operating increases and the potential for additional riders.

Councilwoman Woodbury inquired about match funding from the State and Federal governments to purchase buses, which totaled 68% of the cost, which was due to go away by the end of 2016. City Manager Bourey stated there had always been federal funding for the purchase of buses, but no one could determine what would happen in the future.

Councilwoman Cherry inquired whether there was a mechanism on the buses to determine the ridership and the time of day that the buses were at maximum capacity. Councilwoman Woodbury replied that such a mechanism was employed by HRT.

Councilwoman Cherry inquired about express bus service as was suggested previously by Councilwoman Vick. City Manager Bourey recalled the request by Councilwoman Vick was to institute express bus service on Jefferson Avenue. He stated HRT studied the issue and determined that adding express bus service was not cost effective. They felt it was more cost effective to change the route structure. HRT reconfigured the route from the Transit Center to Patrick Henry Mall, City Center and the Tech Center, which did not require a transfer, and took only 30 minutes or less. The reconfiguration required additional City funding to implement.

Councilwoman Cherry inquired whether residents who lived below 16th Street had to take a bus to the Transit Center and transfer to Patrick Henry Mall. City Manager Bourey replied he was not sure of the exact route structure. He felt City Council needed to take a look at the overall route structure and make significant changes for efficiency purposes. He reiterated that a transit study was underway and suggested that City Council see the results before making a major route overhaul. Some would undoubtedly need to get to the Transit Center in order to travel north of Mercury Boulevard. Major changes were needed for the transit system, but the challenge was getting a dedicated funding source.

Councilwoman Scott questioned what was meant by a dedicated funding source. City Manager Bourey explained that a dedicated funding source was funding that resulted in a variety of ways that would be dedicated and earmarked for transit.

Councilwoman Woodbury recalled three years ago, the General Assembly passed a huge transportation bill that mostly benefitted Northern Virginia, which was allowed to take 1 – 2% of the monies received for transit. She advised that the Hampton Roads local delegation would not allow the same to happen, and HRT did not receive the same as Northern Virginia localities. The dedicated funding source was a piece of revenue that would only be for transit.

Councilwoman Scott recalled the referendum several years ago that would have allowed 0.1 cent to be used for a dedicated funding source for transit.

Councilwoman Cherry inquired whether the City had funding in its budget to create a designated funding source for transit. City Manager Bourey replied the City did not have funding to create a designated funding source.

Councilwoman Cherry inquired about the new programs and where the funding would come from. Ms. Cipriano replied it would come out of future projected revenue growth.

Councilwoman Cherry inquired whether such funds could be used to create a designated funding source. City Manager Bourey felt it was unlikely that future revenue could be used to create a designated funding source for transit.

City Manager Bourey advised, in order to balance future revenues and expenditures, economic development would become important in building the tax base. He envisioned the development of Endview and the City Farm properties as well as the build-out of the Tech Center. City departments had prepared their budgets with less revenue than what they received in prior years, which resulted in a savings of

approximately \$1 million. The City planned to continue to do that. The City could benefit substantially from automation, such as a landscaping sprinkler system. Staff was developing an online City Permit system that would tie all City departments together.

Councilwoman Woodbury stated that City Clerk Mabel Jenkins asked for suggestions from City Council regarding the City Clerk/City Council FY 2016 – 2017 Operating Budget. She suggested that the Virginia Freedom of Information Act Booklets to members of the City's Boards, Commission and Committees be made available online, which would alleviate mailing costs. She felt the City should speak to members of the Legislature to propose the initiative. City Manager Bourey replied that there was a City initiative to look at how the City could become paperless. Electronic signing of documents was happening now and more and more would be accepted in the future. A City project was underway to encourage departments to store their documents online. The Department of Waterworks was going through an exercise of filling all their documents online which would offer a huge savings on time and effort.

Councilwoman Woodbury inquired whether staff could call the State to inquire about making the FOIA booklets available online. City Manager Bourey replied that staff planned to go through the process to do that for everything.

City Manager Bourey stated that there were Federal and State grants available for different projects, such as state revenue sharing for transportation. There was a huge benefit in state and federal revenue sharing. Through regional cooperation, the City could tie into funding that may not have otherwise been available. It was very important to be an active player by participating on a regional level. There were many revenues that the City could take advantage of.

Councilwoman Woodbury noted the "Go Virginia" initiative would receive approximately \$20 million for a regional effort. She believed the City should be involved in acquiring some of the funding for a regional project. City Manager Bourey stated that Ms. Florence Kingston, Director, Department of Development, was an active leader and the City was participating in the "Go-Virginia" effort. He stated Ms. Kingston had been helping to reinvent the Hampton Economic Development Alliance to become more effective.

Mayor Price inquired about regional efforts with adjacent localities for City services, such as what was done with the Fire Departments. City Manager Bourey replied such issues were being looked into to see how the City could benefit. He noted a regional effort with Hampton Roads Sanitation District (HRSD) who was going to take over sewer activities for the entire region. Staff continued to look at transportation, solid waste, and wastewater initiatives to see whether they posed any benefits.

Mayor Price inquired about mandates from the Federal government that would be expensive to implement. City Manager Bourey replied that staff continued to be pushed on improvements to stormwater. He introduced Mr. Everett Skipper, Director, Department of Engineering, to speak on the issues that were causing increases to the City's stormwater utilities.

Mr. Skipper reminded that staff had provided a five-year projection of budget increases of 4 – 8% on stormwater and wastewater. He stated the regional wastewater effort noted changes that the City believed would help; however, there was an issue with the HRSD that dealt with the number of basins that had problems and whether HRSD would resolve all or part of the regional problems. The City continued to have issues regarding the Total Maximum Daily Load (TMDL), which was a measurement of how much pollutant was allowed into the State waters. Engineering staff continued to work with the City Attorney's office to eliminate some of the required mandates and why they were not needed. There had been some success in reducing the number of mandates, which in turn reduced the proposed increases. City Manager Bourey explained that the mandates were predicated by the "Clean Water Act" to prevent the dumping of pollutants into the waterways.

Councilwoman Scott inquired whether the City was in jeopardy of being fined by the United States Environmental Protection Agency (EPA) for not implementing certain wastewater mandates. Mr. Skipper replied yes; under the "Clean Water Act" there had always been levels at which the City received warnings. Councilwoman Scott inquired whether the City was in the warning stage. Mr. Skipper replied that the Consent Order was implemented because the EPA decided that there were enough regional violations. The City did not have many issues, but suffered due to the region.

Councilwoman Scott inquired about the number of violations that the City was in jeopardy of being cited for should the EPA come to the City. Mr. Skipper replied there were a number of issues, due to the EPA's unreasonable mandates. He stated a sewage overflow was a violation of the "Clean Water Act." The City was required to report a sewage overflow within 24 hours. There were fines and penalties associated with an overflow.

Councilwoman Scott inquired how the City prioritized projects to avoid EPA fines. Mr. Skipper replied, on the sanitary sewer side, the City looked at the amount of flow coming from an area versus how much was expected. The City would have to begin a project if there was more flow than what was normal. Staff looked at particular pump stations to determine whether they were performing appropriately.

Councilwoman Cherry understood the EPA could fine the City, per day, for certain infractions. Mr. Skipper replied no; the City would only be fined for pump station and manhole overflows. The City managed the systems to minimize the risk of overflows. The City was required to report an overflow, which rarely happened.

Councilwoman Scott inquired about the last time an overflow was reported. Mr. Skipper replied that two overflows were reported in 2015.

Councilwoman Cherry recalled there were sewer issues and overflows in the downtown area in 2015 that the City was monitoring due to bacteria levels. She inquired whether those issues were resolved. Mr. Skipper replied that the Hilton Beach had experienced bacteria issues, which was monitored by the State. The City was working with HRSD to identify the reason for the bacteria leak.

and had not been able to identify the problem. The City was working with HRSD to replace several thousand feet of pipe and was investigating storm systems.

Councilwoman Cherry inquired whether each locality could be cited separately, although they operated as a region. Mr. Skipper replied yes, each locality could be cited separately as well as HRSD and the region.

Councilman Bateman inquired whether the work being done along River Road in front of Hilton Elementary School, back to Milford Road, along the ditch across from St. Andrews, was being done to alleviate the bacteria issue at Hilton Beach. Mr. Skipper replied that there had been work ongoing for two to three years in the Hilton area to alleviate bacteria at the Hilton Beach. The bacteria issue at Hilton Beach was ongoing. The City continued to be aggressive about the issue. The work was also being done to alleviate the flooding that occurred after a heavy rain under the railroad track on Main Street between Warwick and Jefferson Avenues.

Mayor Price inquired whether the project at Warwick and Bland Boulevards was still underway. Mr. Skipper replied, yes; they were raising Warwick Boulevard approximately three feet, which was similar to the project at 27th Street and Buxton Avenue where the street would be raised to get out of the flood plain.

Councilwoman Scott inquired about the cause of the flooding on 26th Street. She indicated, on occasion, when she left her church after a heavy rain, the area would be flooded. Mr. Skipper replied that was a portion of the Salter's Creek watershed, which was a very low lying area that was subject to tidal flooding. The largest issue was not due to rain, but due to the tidal impact in the area. The highest tides could reach 7 to 8 feet.

City Manager Bourey indicated the retention and attraction of young professionals was a matter being researched as the City looked at economic development and the future. It was a challenge to get college graduates to return or stay in the area. Economic development was essential to attracting a workforce moving forward. The City had to develop a more educated workforce that would help drive, attract and retain employees. Additional training was also necessary. The City had to substantially "step up its game" in the future.

Councilwoman Scott indicated it would be difficult to attract young people without having a night-life, because young people wanted something to do after work hours. City Manager Bourey agreed and indicated that he and staff were working to increase the night-life venues where young people would want to frequent.

Councilwoman Cherry hoped that the downtown Superblock, where the Charrette was held, would be considered as a venue. A sense of place where one felt safe to go for entertainment was needed. City Manager Bourey agreed and indicated the City needed to recreate the area for nighttime entertainment.

Councilwoman Scott stated that Mariner's Row in City Center would be the perfect entertainment venue and would mimic what was going on throughout the United States. She travelled often, and that was the closeness that was needed. Businesses were moving at record speed out of the Mariners Row. City Manager Bourey agreed, and indicated that there had been talk about repurposing the area; however, some were concerned that the City would be giving up the retail in the area. Councilwoman Scott disagreed and indicated that the retail was moving to the Tech Center. City Manager Bourey felt the suggestion was great, but the transition in ownership could affect some of the improvement. He totally agreed that it was an ideal place that could be repurposed for nighttime entertainment.

City Manager Bourey asked City Council to think about matters that they want to see moving forward.

Councilwoman Woodbury recalled the Superblock Charrette plans were beautiful. She inquired whether there were plans to have another plan prepared for the Superblock. City Manager Bourey replied no. He stated staff felt that the Superblock Charrette plan provided a great example of the character and nature of development that could attract people. The whole idea was to go beyond the Superblock and come up with a vision for the area.

Councilwoman Woodbury questioned how ideas could be taken from the Superblock Charrette when nothing had been implemented. Ms. Cipriano replied that potential funding was included in the CIP for downtown initiatives that was not specifically dedicated to a certain portion of the Charrette. City Manager Bourey replied that a physical plan for the entire downtown area was needed with would entail the Charrette plan. More work had to be done in the area before a dedicated developer would be open to investment. The Charrette offered a physical design and plan for the Superblock, but a physical concept was needed for the entire area. There was no defined plan for areas outside of the Superblock.

Lunch break: 11:56 a.m. - 12:51 p.m.

City Manager Bourey introduced Ms. Cipriano to report on the City's User Fee Funds and issues that were important to the City's strategic long-range plans.

Ms. Cipriano stated, although there were 23 special revenue and trust funds, she was only going to provide revenue and expenditure projections for four funds: Waterworks; Solid Waste; Stormwater Management; and Wastewater.

Ms. Cipriano stated the Waterworks FY 2016 budget totaled \$86,950,000. She noted the Revenue and Expenditure Assumptions for FY 2017 – 2021 (see information on pages 49 – 50 in the presentation attached to these minutes):

- **Revenue Assumptions**
 - FY 2017 – 2021 2.0% rate increase

- **Expenditure Assumptions**

- Same salary and benefit assumptions as the General fund
- Increase in Pension
- Revised funding for debt service and capital requirements
- Inclusion of bond sale fees
- Fountain Plaza II rent increase

Ms. Cipriano advised that Waterworks had a number of large projects planned in the future. She stated while their current debt service was decreasing, there would be an increase to address future projects.

Councilwoman Woodbury inquired about the future projects that were proposed for the Department of Waterworks. Ms. Cipriano replied, the Radio Frequency project. City Manager Bourey introduced Mr. Scott Dewhirst, Assistant Director, Department of Waterworks, to report on projects that were underway by Waterworks.

Mr. Dewhirst reported that the largest Waterworks project that was underway was implementation of an Advanced Metering Infrastructure-(AMI) Customer System. He stated that the AMI system would replace analog meters with a computerized system that would report usage over digital communication interfaces, such as phone lines. Meter readers would no longer have to physically go onto a property to read meters. Waterworks was in the final stages of negotiation to begin the Feasibility Study. This was the largest expenditure (\$30 million) that Waterworks proposed for FY 2017, and wanted to be sure that they understood all the ins and outs about the project. At the same time, they were expanding the network to receive meter information, they wanted to expand the system to receive other sensors and smart infrastructure such as traffic sensors, environmental quality sensors, flood sensors, etc. Waterworks would collaborate with other City departments. They collaborated frequently with Public Works and Waterworks SCADA (Supervisory Control and Data Acquisition) system, but this offered another avenue to receive additional information. They would be able to collect data and turn pumps on and off from a computer desktop. Waterworks believed it was a very feasible project and a great thing to do.

Councilwoman Cherry inquired whether the City's internet infrastructure was able, or would be updated, to accommodate the proposed AMI system so that other departments would be able to use the system. She inquired whether there was a cost associated with upgrading the City's internet bandwidth. City Manager Bourey stated the City was in the process of researching the matter and was not sure whether an update was necessary or what the costs would be. A study was being undertaken to determine the information.

Ms. Cipriano stated the Stormwater Management Fund FY 2016 budget totaled \$19,993,000. She noted the Revenue and Expenditure Assumptions for FY 2017 – 2021 (see information on pages 50 – 52 in the presentation attached to these minutes):

- **Revenue Assumptions**

- FY 2017: 4.7% increase to Stormwater Management Fee
- FY 2018: 6.7% increase to Stormwater Management Fee
- FY 2019: 8.3% increase to Stormwater Management Fee

- FY 2020: 5.8% increase to Stormwater Management Fee
 - FY 2021: 5.5% increase to Stormwater Management Fee
- **Expenditure Assumptions**
 - Same salary and benefit assumptions as the General Fund
 - Increase in Pension
 - Transfer three Senior Equipment Operator positions from GF to better align major outfall maintenance function
 - Additional staff and equipment to provide resources to address environmental mandates (Municipal Separate Storm Sewer System [MS4] and TMDL)
 - Fountain Plaza II rent increase

Ms. Cipriano stated the Wastewater Fund FY 2016 budget totaled \$21,484,000. She noted the Revenue and Expenditure Assumptions for FY 2017 – 2021 (see information on pages 55 – 56 in the presentation attached to these minutes):

- **Revenue Assumptions**
 - FY 2017 – 2021 3.0% overall rate increase
- **Expenditure Assumptions**
 - Same salary and benefit assumptions as the General fund
 - Increase in Pension
 - Additional staff and equipment to address infrastructure assessment and rehabilitation effort (Consent Order)

Ms. Cipriano noted the Special Revenue Fund FY 2016 budget totals (a copy of fund totals are on page 58 of the presentation attached to these minutes). She advised that all the funds had rates and fees associated with specific services. Not all had employees associated with them. The Economic Development Fund was managed by the Department of Development. Not much change was projected for the User Fee Funds other than for Stormwater, Wastewater, and Solid Waste.

City Manager Bourey introduced Ms. Florence Kingston, Director, Department of Development, to talk about future projects. He recalled mentioning the \$8 million that the City would receive annually from the full development and retail of the Tech Center. There were other projects that could make a huge difference for the City overtime. He asked Ms. Kingston to talk about the possible development of Endview Plantation.

Ms. Kingston advised that the largest track of undeveloped land (Carlton Farms and Endview Plantation) was located in the northern part of the City. She advised that staff wanted to be judicious with regard to the development of this property. The Endview property was acquired in the 1990s, and some of the land was restored for historic preservation. The proposed development would need to be compatible and complimentary to the area. The original development plans included mixed residential and would generate approximately \$4 million in revenue. The original concept would use land sale funds to cover the infrastructure of the development, because it was undeveloped land that needed utilities and road networks.

Mayor Price inquired whether the City would be responsible for covering the cost of infrastructure for the development of Carlton Farms and Endview Plantation. Ms. Kingston replied yes.

Vice Mayor Coleman inquired about the estimated cost for the project. Ms. Kingston replied the original cost to include a funding mechanism, such as CDBG funds, would amount to approximately \$35 million, which would cover the development and infrastructure. The cost could vary depending on the developer. Staff was trying to get a Public/Private partnership to share the vision and develop a strategy.

Mayor Price inquired whether the acreage could include a school. Ms. Kingston replied she recalled that the original plans for Huntington Pointe included a school site. She did not recall reserving a school site for the Carlton Farms and Endview projects.

City Manager Bourey stated that one of the matters that staff talked about was to ensure that there was a full range of housing prices in the area because the City did not have much high-end housing. He advised that high-end housing generated additional revenues than expenditures. The City wanted housing on all levels, but really needed to push for higher-end housing, which would result in increased revenue. He envisioned high-end housing for Carlton Farms and Endview.

Councilwoman Cherry inquired whether a market analysis had been done to determine what could fit in the Carlton Farms and Endview area. She recalled a study was done by the Buxton Group several years ago, but no action was taken. Ms. Kingston agreed; however, the model had changed. A market study of the land was done approximately 10 years ago by the developer that was interested in the land.

Councilwoman Cherry recalled that the community was not in support of the project, and inquired about what had been done since that time to cause the community to see the benefit of developing the land. Ms. Kingston replied that staff had not engaged the Carlton Farms and Endview community, since working in Brooks Crossing and the Southeast Community. Before they went back to start to entertain development, community engagement and buy-in for the vision of the development was required.

Councilwoman Cherry was hopeful that community engagement would be entertained before the City moved forward with a project, since this would be the last major housing development in the City. Ms. Kingston agreed.

Councilman Bateman recalled that the study done for Endview involved an extraordinary amount of work that included residents of the Lee Hall area. There were many who liked the plan as well as those who were against the plan. All involved crafted what type of development they wanted for the area it was not anything that was forced on the residents of the community. It was a project that sought lots of input from the community and across the City. He agreed that anything done would demand a vigorous amount of community work to ensure that people had input on what went on in the area. Ms. Kingston noted the delay in the development of the areas was also due to the housing decline. The developer did not want to start a project until the market improved. The time had come to plan and develop the area.

Councilwoman Woodbury inquired whether the City was actively seeking a developer for the area. City Manager Bourey replied that nothing had been done at this point. He suggested that the best process would include a grocery store and an RFP to review developer qualification before going through the process of selecting an appropriate developer that had the capacity and ability to do an outstanding job. He felt the City should move forward with a project for the property. This area was a huge asset for the City and represented a great development opportunity.

Councilwoman Woodbury inquired about Huntington Pointe and whether it was still on the books. City Manager Bourey replied it was still on the books and a development plan had been done. Ms. Kingston stated the City was in need of new housing as the City was listed as having the second oldest housing stock in Hampton Roads. There was a need for new housing which drew people to the area.

Mayor Price recalled discussion about incentives for renovating housing. He suggested that the program be revisited. Ms. Kingston replied that they would look into the matter.

Councilwoman Cherry agreed with the Mayor that a school would be incorporated in the development plans for Carlton Farms and Endview. She advised that schools brought people to the community. It would be beneficial to have nice homes as well as schools in the area, even though it was not in the original plan.

City Manager Bourey stated another major component was to ensure that the workforce was technologically adaptive. He mentioned a workforce development program that Thomas Nelson Community College (TNCC) was working on.

Ms. Kingston replied that the TNCC program was called the Advanced Integrated Manufacturing (AIM) Center. She advised that Community College Systems had been trying to obtain State support to develop a place in which that the private sector could train a skilled workforce. The City had a strong manufacturing base with Canon, Continental, and the Shipyard. They were also working with the School System to reinforce STEM education to have a workforce ready to venture into manufacturing jobs.

Councilwoman Cherry inquired whether Canon, Continental, and the Shipyard were examples of companies that the AIM would be looking to partner with. Ms. Kingston replied yes.

Councilwoman Cherry inquired how TNCC would recruit AIM participants. Ms. Kingston replied AIM participants would include college, and high school students, as well as those already in the workforce. City Manager Bourey advised that it would not include today's TNCC students; it would be people that would be engaged by the system, such as employees who already had some initial technical training, but needed a high level certification specification to be able advance further in their companies. Ms. Kingston pointed out that opportunities must be created to expand the labor pool of qualified workers.

Vice Mayor Coleman agreed that workforce development was important for the community in order to maintain and attract business to the area. He was hopeful that staff was impressing upon TNCC that the City would like to be the host location for the AIM Center.

Councilwoman Woodbury pointed out that TNCC was putting emphasis on the Williamsburg Campus. Ms. Kingston replied that TNCC had done some programs on the Williamsburg Campus. The location decision for the AIM Center would follow once they received funding for the program.

City Manager Bourey felt that TNCC would rather locate in an urban area, which was the nature of the program. The Williamsburg campus was too remote and there was not much industry. It made sense to be located closer to Canon, Continental, and the Shipyard.

Mayor Price, as a former board member of TNCC, advised that the City was the largest contributor to TNCC and offered the largest student enrollment. He stated it was unacceptable that TNCC did not have an educational facility in the City. There had been ongoing conversations about building a facility in the community, but nothing ever materialized.

City Manager Bourey stated that neighborhood revitalization was an important part of the FY 2017 – FY 2021 Financial Forecast. He introduced Ms. Cynthia Rohlf, Assistant City Manager, to offer insight on community initiatives that were envisioned and ongoing. He indicated that staff was working on a grant that could be beneficial for the City.

Assistant City Manager Rohlf stated the City was working to pursue a U.S. Department of Housing and Urban Development (HUD) Grant under the Choice Neighborhood Initiative (CNI). She advised that there were several types of grants under the CNI:

- Planning Grant – provided up to \$2 million to implement a neighborhood revitalization plan.
 - \$500,000 Grant to sponsor planning activities, such as meetings with neighborhood residents to garner information on what they desired for their neighborhood
 - \$1.5 million Implementation Grant to be used to implement the plan
 - \$30 million Larger Implementation Program Grant to carry out the plans by the City

Assistant City Manager Rohlf explained that the CNI materialized from HOPE VI. Advocates of CNI felt the HOPE VI plan did not focus on neighborhood programs; it only focused on Public Housing complexes within neighborhoods. The CNI Larger Implementation Program Grant focused on matters that improved services, housing, neighborhood enhancement and quality of life issues for people. The grant application focused on the Southeast Community, from the waterfront to 39th Street, between Jefferson and Marshall Avenues. One requirement of the grant was that there had to be an eligible public housing project complex within the neighborhood (two to three were identified). The particular housing development they were focusing on was Ridley Place. The grant was called the Marshall/Ridley Application. A huge portion of the Grant focused on planning efforts. Nothing could be predetermined and had to include citizen input. The City had to say they would like to plan what the community wanted, as related to workforce development and transportation. Staff was working

to meet a tight time-frame as the application was due in early February 2016. Another key to obtaining the grant was that the City had to develop a partnership and demonstrate that the plans would be implemented even if the City did not receive the grant. City departments were working to locate a \$500,000 funding match and resources to obtain the grant. The private sector had to donate a \$300,000 funding match. The co-applicant would be the Newport News Redevelopment and Housing Authority (NNRHA). The grant process was very competitive. Larger cities that had more capacity tended to be the most successful in winning the grants, but there had been smaller local successes. Staff was working very hard to come up with the best application. An announcement would be made by HUD in June 2016.

Councilwoman Scott inquired whether workforce/mid-level housing would be a part of the plan. Assistant City Manager Rohlf replied that was a possibility. She advised that staff would guide the conversation, but the residents from the neighborhood had to state what they desired.

Councilwoman Cherry hoped that whatever was decided would include making the neighborhood less dense and included a Community Center. Assistant City Manager Rohlf replied that staff would do what it could in regard to density, but HUD only wanted to hear plans about what the citizens wanted.

Councilwoman Scott inquired whether this was a better model than HOPE VI. Assistant City Manager Rohlf replied it was a different model that was more inclusive and focused on the entire neighborhood, not just a public housing complex. It was a choice neighborhood grant; a plan for a neighborhood where one wanted to live by choice.

City Manager Bourey announced that the Commonwealth Transportation Board recommended \$144 million in HB2 funding for the Hampton Roads region, including \$7.7 million for Atkinson Boulevard.

City Manager Bourey thanked City Council for their patience to discuss the FY 2017 – FY 2021 Five-Year Financial Forecast. He commended Ms. Cipriano and staff of the Department of Budget & Evaluation for an outstanding presentation, as well as efforts made by all the City departments and staff.

Councilwoman Woodbury inquired whether there was a separate budget for the One City Marathon, and requested a copy. City Manager Bourey replied that \$100,000 was in the budget for the 2016 One City Marathon. He advised that fundraising was happening through private sponsorships. Approximately \$300,000 would be raised through private sponsorships and registration fees. That was what would drive the cost and pay for expenses.

Councilwoman Woodbury recalled that the City spent approximately \$200,000 on the 2015 Inaugural One City Marathon. City Manager Bourey replied that it was not quite \$200,000. He stated there was City In-kind support that was not part of the total cost. They were working to curtail the 2016 One City Marathon expenses as much as possible. The closing event at the Victory Landing Park would be less expensive.

Councilwoman Woodbury inquired how the City could contribute to charities when no profit was realized from the Marathon. City Manager Bourey explained that partnerships with the public and private sector were required in order to gain public interest in a Marathon. The \$100,000 City contribution would be used to cover the closing event at Victory Landing Park. What was left over and unspent was provided to the charities, which were mostly raised from the private sector.

Councilwoman Woodbury did not understand how funding could be contributed to the Charities if the City did not realize a profit from the Marathon. City Manager Bourey replied that the City was using its funds to pay for the closing event at Victory Landing Park.

Councilwoman Woodbury reiterated that she would like to acquire the information from the budget. City Manager Bourey replied that he would provide the information to Councilwoman Woodbury.

Councilman Bateman inquired whether the sponsorship funding was noted in the budget or whether it was just the City's portion. City Manager Bourey replied the City's budget only reflected the \$100,000. He stated the Marathon budget would include funding for the entire Marathon.

Councilman Bateman advised that two separate budgets was the reason the issue became confusing as it was not as transparent as some of the populous would like to see. There were all sorts of murkiness about the very thing as noted by Councilwoman Woodbury. He stated he would like to see the entire Marathon budget because there was sentiment that City funding was being used to give to charities, which he did not believe to be the case. Another matter missing was that some of the charities that received funding were required to have their staff serve and sell food and other items in order to receive funding. City Manager Bourey replied that the charitable organizations were required to volunteer for the event in order to receive a donation.

Councilwoman Scott inquired whether the Court buildings were included in the City's maintenance budget. She received a complaint about gas fumes in the courthouse that caused the occupants to suffer from headaches. City Manager Bourey replied that a response was provided to the complainant. It was an issue created by the contractor on site and was rectified. He asked the City Clerk to provide a copy of the response to members of City Council. Ms. Cipriano replied that Court buildings were part of the overall City maintenance budget.

City Manager Bourey advised that there were issues with City buildings that needed to be addressed going forward.

Councilwoman Scott inquired whether the City operated a homeless shelter on Main Street. She noticed that people were loitering outside of the building. Assistant City Manager Rohlf replied that the building was owned by the City and was used for storage. She stated that discussion had been held at the Community Maintenance Meeting in regards to the building due to its condition and loitering. The building was uninhabitable for humans.

City Manager Bourey pointed out that the City was moving forward with a Day Service Center for the homeless. He introduced Mr. Alan Archer, Assistant City Manager, who had been researching an appropriate site for the Center, to explain the nature of the Center.

DRAFT

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Minutes of the Financial Retreat

January 19, 2016

Assistant City Manager Archer recalled that the concept discussed for the Day Service Center was that it would be a place where agencies could locate to provide services to homeless individuals at no cost. The Center would be open year-round, and would provide a refuge for the homeless. The Center would also be a place where one could connect with various services to help them become self-sufficient.

Councilwoman Woodbury inquired whether there were any plans to move forward with a permanent shelter. Assistant City Manager Archer replied that there were no plans in place to move forward with a permanent shelter. He recalled prior discussion with City Council which offered a number of opportunities to put forward the best effort to address homelessness. Staff looked at supportive housing, a day service center, and other models. He recalled offering information about a housing model in the City of Virginia Beach that focused on residential housing and a day service center. It was the desire of City Council, at that time, to focus efforts and attention around a day service center as opposed to the residential component, which was the strategy pursued by staff.


Councilwoman Woodbury inquired whether City Council had voted on the matter. Assistant City Manager Archer replied yes. Mayor Price recalled there was no consensus among City Council to move forward with a permanent shelter.

Councilwoman Woodbury noted that the City of Norfolk had a homeless program that offered a residential component to end homelessness. She voiced concern that the City had invested in a new Animal Shelter, but had done nothing for the homeless.

City Manager Bourey advised that staff was operating on the direction they received from City Council. Staff was open to the desires of City Council.

Councilman Woodbury inquired whether the City ever had an audit done on the homeless shelter program offered by LINK. For the past two years, the City provided funding to LINK. City Manager Bourey replied that an audit of the LINK program was in progress. He reminded about a presentation he made to City Council several months ago regarding the LINK funding shortage. At that time, he asked City Council to authorize funding for the shortage, should LINK not receive funding from other sources. At the same time, an audit of LINK was requested. The review of the program was ongoing.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 2:40 P.M.


Jennifer D. Walker, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

2. Minutes of the Work Session of March 8, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Work Session of March 8, 2016

**MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE**

March 8, 2016

3:45 p.m.

PRESENT: Tina L. Vick (arrived at 4:35 p.m.); Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Robert S. Coleman; and McKinley L. Price, DDS -----5

ABSENT: Sharon P. Scott; and Sandra N. Cherry, D. Min -----2

OTHERS PRESENT: James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Wanda Pierre; Darlene Bradberry; R. B. Alley; Michael Poplawski; Lisa Cipriano; Sherry Crocker; Claudia Cotton; Florence Kingston; Reed Fowler; Sheila McAllister; Britta Ayers; Joye Thompsons, Paula Hirsch; Carol Meredith; Telly Whitfield; Kim Lee; Cleder Jones; Jennifer Walker; and Theresa Clift

I. World Arts Festival Briefing

Mr. James M. Bourey, City Manager, introduced Mr. Michael Poplawski, Director, Department of Parks, Recreation & Tourism, to provide a briefing on the 2016 World Arts Celebration.

Mr. Poplawski stated the 2nd Annual World Arts Celebration would be held on May 21, 2016 at City Center in Newport News, from 3:00 p.m. – 9:00 p.m. The World Arts Celebration was an event that celebrated the arts and cultures. It featured international music, dance, foods, exhibits, crafts, demonstrations, and activities for all ages (a copy of the presentation, “World Arts Celebration,” is attached and made a part of these minutes).

Mr. Poplawski noted the partners of the 2016 World Arts Celebration:

- Newport News Parks, Recreation & Tourism
- Virginia Arts Festival
- Sister Cities of Newport News
- Downing-Gross Cultural Arts Center
- Port Warwick Art & Sculpture Festival
- Christopher Newport University
- The Cultural Alliance

Mr. Poplawski shared pictures of the cultural performances and demonstrations from the 1st Annual Celebration held in May 2015. He stated the Celebration featured French, Mexican, Italian, Brazilian, Vietnamese, Thai, Mediterranean, Lebanese, and German international foods and beverages. The Celebration included:

- An Artisans Village with art from Guatemala, Kenya, Ukraine, Vietnam, etc.
- Children's Cultural Crafts
- Cultural Exhibits
- Strolling Entertainment

Mr. Poplawski advised that the Celebration would be a full service event. It was anticipated that attendance would increase in 2016 as the 2015 Arts event was held on the same date as the Greek Festival, which affected attendance. The 2016 Greek Festival was planned for June 2 – 5, 2016, and would not coincide with the World Arts Celebration. The Greek community would have a presence at the World Arts Celebration, and would showcase food and entertainment. He introduced Mr. Robert W. Cross, Executive Director, Virginia Arts Festival, and Mr. Scott Jackson, General Manager, Virginia International Tattoo, to continue with the presentation (a copy of the presentation, "World Arts Celebration Growth," is attached and made a part of these minutes).

Mr. Cross stated the 2016 World Arts Celebration would feature representation from 20 countries through the NATO Partnership of the Virginia Arts Festival. He reported the Virginia Arts Festival also sponsored the Annual Virginia International Tattoo and U.S. Army Training and Doctrine Command Band Memorial Day Concert. The 4th Annual Memorial Day Concert would be held on Monday, May 30, 2016, at 7:30 p.m., in City Center.

Mr. Jackson shared that the Virginia Arts Festival began as a regional organization in 1997 that focused on performing arts. He noted the mission of the 2016 Virginia Arts Festival:

- Bring world-class performing arts to the citizens and visitors of Newport News
- Impact the lives of students
- Make a positive economic impact
- Commission and produce new works and productions

Mr. Jackson noted scheduled performers for the 2016 Virginia Arts Festival:

- Yo-Yo Ma and Emanuel Ax
- Virginia International Tattoo
- Yuja Wang
- Dance Theatre of Harlem
- Bruce Hornsby
- Boyz II Men

Mr. Jackson noted the goals of the Virginia Arts Festival in Newport News:

- Draw Regional, National and International attention to the City of Newport News as a Cultural Center
- Enhance the quality of life for local residents through the presentation of unique performances within their community
- Increase appreciation of, and exposure to, the Arts among Newport News Public School Students (NNPS)

Mr. Jackson stated the Virginia Arts Festival sponsored a program for students of the NNPS entitled “Arts for Everyone”. The goal of the program was to reach students who did not have adequate opportunities for art outside of school. The program offered funding to advance the arts. One-hundred plus events were planned for the 2016 – 2017 school year (September 2016 – May 2017), which included matinees, in-school performances, masterclasses and workshops. Approximately, 35,000 students would be reached and 20,000 were expected to receive full/partial financial aid. He noted NNPS 2015 - 2016 “Arts for Everyone” programs:

- 2015
 - NNPS students attended Tattoo
 - Gaudete Brass and Attacca String Quartet performances and workshops at Soundscapes (an after-school music program serving Carver Elementary)
- 2016
 - Woodside HS students attended Alvin Ailey American Dance Theater
 - Dance Theatre of Harlem performance and masterclass at Woodside HS
 - NNPS students will attend Tattoo
 - Charlotte Blake Alston performance and Dance Theatre of Harlem masterclass at Downing-Gross Cultural Arts Center
 - Harlem Quartet and New England Conservatory Brass Quartet performances and workshops at Southscapes

Mayor Price inquired about the year that the Parade would be added to the schedule of events. Mr. Jackson replied, preferably in 2017.

Councilwoman Woodbury inquired whether the Virginia Arts Festival offered a pass for multiple events. Mr. Jackson replied the Virginia Arts Festival offered a subscription service, wherein a subscriber would receive a free ticket after purchasing a set number of event tickets. The Virginia Arts Festival did not offer a multi-event pass.

Councilwoman Woodbury suggested that the Virginia Arts Festival consider selling a multi-event pass. Mr. Jackson replied that they were offering a weekend pass for the Bruce Hornsby Weekend event.

II. Joint Base Langley-Eustis – Joint Land Use Study (JBLE-JLUS)/Briefing

City Manager Bourey introduced Ms. Britta Ayers, AICP, PMP, Manager of Comprehensive Planning, Department of Planning, to provide the presentation.

Ms. Ayers stated the Office of Economic Adjustment (OEA) managed the U.S. Department of Defense's (DoD) Compatible Use Program (CUP), which provided technical and financial assistance to local communities to partner with the military to study community development issues and opportunities around military installations. She explained that most military installations were established in remote areas, but urban growth had brought people and facilities closer to installation boundaries, resulting in land use incompatibilities. Such pressures could constrict the military installation ranges and training corridors, which could affect the missions and military readiness of the DoD. The CUP was the DoD's answer that allowed the military to work with local jurisdictions to create policies and ordinances that would be beneficial to the military to avoid restrictions on training and corridors (see copy of presentation "Joint Land Use Study," attached and made a part of these minutes).

Ms. Ayers explained that the Joint Land Use Study (JLUS) was one of the tools in the CUP. She stated the JLUS was developed, through a cooperative planning process, to promote compatible use between local communities and installations, and to allow the military to sustain its mission. The JLUS planning process promoted a proactive approach to communication and decision making relating to land use regulation, conservation and natural resource management issues affecting military-owned land. While the OEA provided technical guidance and the military was represented in the planning process, a JLUS was developed by and for local communities. The JLUS was a plan that promoted balanced and sustainable development without hindering military operations.

Ms. Ayers advised, in late 2014, the James City County Planning Commission received an application requesting a change in the land use designation for the BASF Corporation property located along the James River. The change would have allowed the company to sell their property for development of a waterfront resort. Fort Eustis was notified of the request, as required by State law, as they owned a piece of the land adjacent to the BASF property. The land was used during training exercises, specifically during waterway training. The request was denied by the James City County Board of Supervisors in June 2015. The OEA was made aware of the potential land use incompatibility and nominated JBLE for the study. The City of Newport News was offered and accepted the opportunity to be the JLUS sponsor.

Ms. Ayers noted the City's role in the JLUS:

- Adopt a Resolution in Support of the Effort
- Apply for and Administer the OEA Grant
- Provide 10% Non-Federal Match with the City of Hampton
- Provide Leadership for the Process
- Provide Staff Time and Expertise
- Champion Effort within the Community
- Provide Public Information
- Identify Issues and Opportunities
- Implement Recommendations to Extent Feasible
- Maintain Ongoing Collaboration/Dialog

Ms. Ayers noted the Process and Schedules of the JLUS which would include continuous dialogue and sharing of information by engaging the public throughout the process:

- Organize
- Assess
- Plan
- Implement
- Monitor

Ms. Ayers advised that the JLUS took approximately 8 to 18 months to develop. She stated the City was in the organizational phase. The OEA was working with the City to develop a scope of work, identify stakeholders, and establish the Policy Committee and the Technical Working Groups. Once the grant funds were received, a consultant would be hired who would establish the framework for success through the implementation phase. Once completed, the JLUS would be monitored, evaluated and updated as needed. The City would collaborate and coordinate with stakeholders and engage the public throughout the process. City staff was working on the scope of work and the grant application. Once the tasks were completed, staff would provide a preliminary schedule, which would be updated once the consultant was on board.

City Manager Bourey felt the JLUS would be very advantageous to the City with respect to Fort Eustis. It was not just about what the City did, but it was about what other jurisdictions did. The City would be able to shape and help lead the effort as a sponsor of the JLUS.

Mayor Price inquired whether federal regional facilities would become involved in the process. Ms. Ayers replied yes, the City was in the process of identifying regional facilities, but had reached out to the Peninsula Planning Organization and others who would be a part of the technical working group.

Councilwoman Woodbury advised that the Hampton Roads Transit (HRT) was in the process of conducting a Transit Corridor Study, and inquired whether Ms. Ayers would coordinate with HRT. Ms. Ayers replied yes, she would coordinate with HRT.

III. Second Quarter Financial Report

Mr. James M. Bourey, City Manager, advised that the Second Quarter FY 2016 Financial Report offered a better picture than First Quarter projections, although taxes were continuing to flow in. He introduced Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, to present the Second Quarter FY 2016 Financial Report.

Ms. Cipriano reminded that the FY 2016 Operating Budget totaled \$464.2 million. She advised that this was the first year that \$4.1 million of Federal & State grant funds were included (a copy of the presentation, FY 2015 General Fund Forecast, based on Second Quarter Results is attached and made a part of these minutes).

Ms. Cipriano noted changes in Revenue projections in the following major categories:

• Real Estate Taxes + Delinquencies	+\$910,000
• Machinery & Tools	+\$1 million
• Personal Property	+\$250,000
• Sales Taxes	On Target
• Lodging	On Target
• Meals	On Target
• Cigarette Tax	(\$200,000)
• Telecom Tax	(\$400,000)
• Tax on Deeds	(\$200,000)
• Building Permits	On Target
• Fines/Forfeitures	(\$850,000)

Ms. Cipriano stated 2nd Quarter Revenues were projected to be \$2.1 million less than what was estimated. City Manager Bourey advised that this was typical of what was seen in the Second Quarter Report.

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Ms. Cipriano noted changes in Expenditure projections in the following major categories:

• Salaries	On Target
• Benefits	\$71,000
• Contractual Services	\$485,000
• Fuel/Utilities	\$445,000
• Materials/Supplies	\$445,000

Ms. Cipriano stated Second Quarter Expenditures resulted in a \$700,000 surplus.

Ms. Cipriano stated the FY 2016 Second Quarter Report resulted in a budget surplus of \$691,000. She advised that revenues would be collected as estimated with good performance and some deficit fluctuations in limited areas. There was no need to adjust expenditures.

City Manager Bourey pointed out that \$900,000 of the \$2.1 million Revenue deficit was due to a reduction in State funding.

IV. Comments/Ideas/Suggestions

Vice Mayor Coleman advised that he had witnessed a number of damaged utility boxes throughout the City. He inquired about a Verizon utility box that was located on Nettles Drive, which appeared to have been hit by a vehicle. The box had been broken and taped-up for more than four months. Assistant City Manager Cynthia Rohlf advised that staff was looking into the matter. Staff from the Department of Engineering had informed Verizon about the issue.

Councilwoman Woodbury stated that Delegate David Yancey had inquired whether the City had plans to restore the trees, along Cedar Lane, that were destroyed during the tornado that hit the area on Wednesday, February 25, 2016. City Manager Bourey replied that he and Assistant City Manager Rohlf were working on the matter as staff continued to deal with the overabundance of debris in the area. Assistant City Manager Rohlf advised that staff continued to clear the area. She advised that 20 to 25 trees had fallen due to heavy wind and rain. The issue was being evaluated to determine how best to move forward to replenish and replace the trees.

City Clerk Mabel Washington Jenkins reminded about two major events: 1) State of the Airline Industry, Thursday, March 10, 2016, 3:30 p.m., at the Marriott at City Center; and 2) the One City Marathon Weekend events, March 11 – 13, 2016.

Councilman Bateman noted a letter from Attorney Veronica E. Williams (attached) that was forwarded to City Council, via e-mail on March 2, 2016, regarding a request for consideration of an

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amendment to the City's tax deferred ordinance, due to a federal reverse mortgage law. He recalled that the City changed from a real estate tax exemption program to a real estate tax deferred program for senior citizens due to revenue concerns. He stated that he was not in support of revising the law; however, he asked the Commissioner of Revenue, Mrs. Pricilla Bele, to ensure that the real estate tax deferral language was added to Reverse Mortgage Applications, thereby alerting senior citizens of the requirement that they may have to pay their real estate tax directly to the City.

City Manager Bourey stated that there were not many people that experienced foreclosures and evictions due to Reverse Mortgages and real estate tax deferrals, based on the statistics received from the Treasurer, Mr. Marty Eubank.

Councilwoman Woodbury indicated that the e-mail referenced an 84-year old individual in danger of becoming homeless due to a Reverse Mortgage, and their inability to pay their real estate taxes. She recalled several members of City Council, in particular, former Councilmember and Vice Mayor Madeline McMillan, had voiced concern about switching from a real estate tax exemption program to a real estate tax deferral program for senior citizens. Councilwoman Woodbury hoped some exceptions could be made.

City Attorney Collie Owens replied that there was no way to make an exception for senior citizens who decided to obtain Reverse Mortgages. Councilwoman Woodbury suggested that those who had a Reverse Mortgage before the law went into effect, be grandfathered. City Attorney Owens advised that he was not aware of any provision in the State Code that would allow such, but would look into the matter.

Councilman Bateman understood there were only 500 senior residents, within the City, that used the real estate tax deferral program. He suggested that the matter be looked into to see whether a grandfather provision could be added and whether it made sense to do.

Councilwoman Woodbury noted that the City of Hampton continued to offer real estate tax exemption to senior citizens.

City Manager Bourey introduced Dr. Telly Whitfield, Assistant to the City Manager, to report on the 2016 One City Marathon Weekend activities.

Dr. Whitfield noted the following 2016 One City Marathon Weekend activities:

- The One City Marathon Health & Wellness Expo at the Denbigh Community Center
 - Friday, March 11, 2016, 12 noon - 7:00 p.m.
 - Saturday, March 12, 2016, 10:00 a.m. – 5:00 p.m.
- One City Marathon Kick-Off, Friday, March 11, 2016, at the Downing Gross Cultural Arts Center, 5:00 p.m. – 8:00 p.m.
- Family Fit & Fun Day, Saturday, March 12, 2016, 12 noon – 3:00 p.m., at King Lincoln Park
- Pasta Dinner, Saturday, March 12, 2016, 6:00 p.m., at the Marriott at City Center
- One City Marathon Race Day Schedule, Sunday, March 13, 2016
 - Marathon and Marathon Relay, 7:00 a.m., at Newport News Park
 - Maritime 8K, 7:45 a.m., at West Avenue & 24th Street
 - Nautical Mile, 10:00 a.m., at West Avenue & 24th Street
 - One City, One Celebration, 8:00 a.m. – 2:00 p.m., at Victory Landing Park
 - Stage Opportunities for City Council members
 - Announcement of Awards for the 8K at 9:30 a.m.
 - Announcement of Awards for the Marathon at 11:00 a.m.
 - Announcement of the Townbank Hometown Spirit Awards at 12:30 p.m.

Dr. Whitfield advised that there were 438 registrants for the full Marathon, which he anticipated would increase to 500. There were 611 registrants for the Marathon Relay; approximately 800 Maritime 8K registrants (he hoped for an additional 200); and approximately 1,000 registrants for the Nautical Mile. Many NNPS students planned to register for the Nautical Mile. There were 659 registrants from the Newport News Parks, Recreation & Tourism Youth program, which was exciting. The staff of the youth program would be participating as well, and was providing downtown transportation to and from several locations.

Dr. Whitfield stated that he had received feedback from several members of City Council who would assist with the award presentations. Councilwoman Woodbury and Councilman Bateman would be holding the tape at the finish line for the winners. He would provide a detailed schedule for the Weekend events and schedule to City Council.

Dr. Whitfield encouraged the members of City Council to attend the Pasta Dinner on Saturday. The dinner included a unique program and would highlight Mr. Roger Brown, a retired professional Hall of Fame football player.

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City Manager Bourey commended Dr. Whitfield and the volunteers for their assistance with the event. There were approximately 800 volunteers; 10 – 15 additional volunteers were needed for the Friday and Saturday Health & Wellness Expo (March 11 – 12, 2016).

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 5:00 P.M.



Jennifer D. Walker, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

3. Minutes of the Special Meeting of March 8, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Special Meeting of March 8, 2016

MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
MARCH 8, 2016
5:00 P.M.

PRESENT: Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Robert S. Coleman; and McKinley L. Price, DDS-----5

ABSENT: Sharon P. Scott; and Sandra N. Cherry, D. Min.-----2

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Alan Archer; Cynthia Rohlf; Mabel Washington Jenkins; Darlene Bradberry; Florence Kingston; Derek Perry; and Jennifer Walker.

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

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (3) a discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition of real property in the southern, central, and northern sections 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, central and southern sections of the City.

Vice Mayor Coleman moved for a closed meeting under sections and reasons cited above; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

(Closed Session 5:05 p.m. – 5:30 p.m.)

After reconvening in open session, Vice Mayor Coleman 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 Vick.

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March 8, 2016

Vote on Roll Call:
Ayes: Vick, Woodbury, Bateman, Coleman, Price
Nays: None

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 5:30 P.M.



Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

DRAFT

CERTIFICATE OF CLOSED MEETING

MEETING DATE: March 8, 2016
MOTION: Vice Mayor Robert S. Coleman
SECOND: Councilwoman Tina L. Vick

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

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

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

VOTE

AYES: Vick, Woodbury, Bateman, Coleman, Price
NAYS: None
ABSTENTION: None

ABSENT DURING VOTE: Scott, Cherry

ABSENT DURING MEETING: Scott, Cherry

ATTEST:



Mabel Washington Jenkins, MMC
City Clerk

F. Consent Agenda

4. Minutes of the Regular Meeting of March 8, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Regular Meeting of March 8, 2016

DRAFT

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
MARCH 8, 2016
7:00 P.M.**

PRESENT: Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Robert S. Coleman; and McKinley L. Price, DDS-----5

ABSENT: Sharon P. Scott; and Sandra N. Cherry, D. Min.-----2

A. Call to Order

Mayor Price 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.

B. Invocation

The invocation was rendered by Pastor Fred Michaux, City Life 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 Councilwoman Tina L. Vick.

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

D. Presentations

None

E. Public Hearings

None

F. Consent Agenda

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

1. Minutes of the Work Session of February 23, 2016

F. Consent Agenda Continued

1. Minutes of the Work Session of February 23, 2016 Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

2. Minutes of the Special Meeting with the Newport News School Board of February 23, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

3. Minutes of the Special Meeting of February 23, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

4. Minutes of the Regular Meeting of February 23, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

G. Other City Council Actions

1. 1 of 3: Resolution Amending Resolution No. 12729-14, by Adding a New Paragraph to Provide Flexibility, by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund (DSRF) at the Time of Issuance and Sale of the Bonds

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING RESOLUTION NO. 12729-14 ADOPTED ON OCTOBER 28, 2014, ENTITLED "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED FORTY MILLION DOLLARS (\$40,000,000)

G. Other City Council Actions Continued

1. 1 of 3: Resolution Amending Resolution No. 12729-14, by Adding a New Paragraph to Provide Flexibility, by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund (DSRF) at the Time of Issuance and Sale of the Bonds Continued

AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, OF CITY OF NEWPORT NEWS, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND AND REDEEM CERTAIN OUTSTANDING WATER REVENUE BONDS OF THE CITY; AUTHORIZING THE ISSUANCE AND APPROVING THE SALE OF SUCH REFUNDING BONDS AT COMPETITIVE OR NEGOTIATED SALE AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE CITY MANAGER TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH REFUNDING BONDS; APPROVING THE FORM OF SUCH REFUNDING BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SUCH REFUNDING BONDS; APPOINTING THE TRUSTEE AS ESCROW AGENT FOR THE REFUNDED BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT FOR EACH SERIES OF SUCH REFUNDING BONDS; AUTHORIZING THE DESIGNATION OF THE REFUNDED BONDS FOR REDEMPTION; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH REFUNDING BONDS." This resolution amended Resolution No. 12729-14 by adding a new paragraph (c) to Section 8 of the Supplemental Resolution, to provide flexibility by authorizing the City Manager to determine whether to secure bonds with a Debt Service Reserve Fund (DSRF) at the time of issuance and sale of the bonds. In October 2014, City Council approved Resolution No. 12729-14, which authorized refunding of Waterworks' 2007 Water Revenue Bonds. The Resolution required that the refunded bonds be secured through a DSRF. The City's financial advisor, Public Financial Management (PFM), recommended that an amendment to Resolution No. 12729-14 be brought before City Council. This amendment would provide the City the flexibility to determine at the time of sale, whether to use a DSRF to secure the bonds. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

G. Other City Council Actions Continued

2. 2 of 3: Resolution Amending Resolution No. 12725-14, by Adding a New Paragraph to Provide Flexibility, by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund (DSRF) at the Time of Issuance and Sale of the Bonds

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING RESOLUTION NO. 12725-14 ADOPTED ON OCTOBER 28, 2014, ENTITLED "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-ONE MILLION DOLLARS (\$31,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, OF CITY OF NEWPORT NEWS, VIRGINIA, FOR THE PURPOSE OF FINANCING THE COSTS OF EXTENSIONS, ADDITIONS AND CAPITAL IMPROVEMENTS TO, OR THE RENEWAL AND REPLACEMENT OF CAPITAL ASSETS OF, OR PURCHASING AND INSTALLING NEW EQUIPMENT FOR, THE WATER SYSTEM OF THE CITY, AND ACQUISITION OF PROPERTY IN CONNECTION THEREWITH; AUTHORIZING THE ISSUANCE AND APPROVING THE SALE OF SUCH BONDS OR AN EQUAL PRINCIPAL AMOUNT OF WATER REVENUE BOND ANTICIPATION NOTES OF THE CITY AT COMPETITIVE OR NEGOTIATED SALE AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE CITY MANAGER TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SUCH BONDS; MAKING CERTAIN FINDINGS AND DETERMINATIONS AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH BONDS; AND AUTHORIZING THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES TO BE MADE BY THE CITY IN ADVANCE OF THE ISSUANCE AND RECEIPT OF THE PROCEEDS OF SUCH BONDS." This resolution amended Resolution No. 12725-14 by adding a new paragraph (a)(iii) to Section 8(a) of the Supplemental Resolution, to provide flexibility by authorizing the City Manager to determine whether to secure bonds with a Debt Service Reserve Fund (DSRF) at the time of issuance and sale of the bonds. Resolution No. 12725-14 approved in October 2014, authorized the sale of new money Water Revenue Bonds and required that the Bonds be secured with a DSRF. Amending this Resolution would provide the City the flexibility to determine at the time of issuance and sale, whether to use a DSRF to secure the bonds. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

G. Other City Council Actions Continued

3. 3 of 3: Resolution Amending Resolution No. 11347-07, to Clarify the Language Related to the Debt Service Reserve Fund (DSRF), Updates the Investment Securities Definition, Changes the DSRF Valuation and the Valuation of the Various Funds and Accounts from Quarterly to Semi-Annual

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING RESOLUTION NO. 11347-07 ADOPTED ON JANUARY 23, 2007, ENTITLED "RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS OF THE CITY OF NEWPORT NEWS, VIRGINIA, AND PROVIDING FOR THE SECURITY OF THE HOLDERS THEREOF". This resolution amended Resolution No. 11347-07 to clarify language related to the Debt Service Reserve Fund (DSRF), updated the investment securities definition, and changed the DSRF valuation and the valuation of the various funds and accounts from quarterly to semi-annual. As a result of the two prior companion item amendments, the 2007 Master Water Revenue Bond Resolution No. 11347-07 must also be amended. The amendments clarified the language related to DSRF's securing the various series of Bonds. The City's financial advisor, PFM, also recommended updating the investment securities definition to conform to changes to the Virginia State Non-Arbitrage Program (SNAP). In addition, PFM recommended changes to the DSRF's valuation and the valuation of the various funds and accounts from quarterly to semi-annual. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

4. Resolution Establishing a Waterworks Department Fund Financial Policy

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, ESTABLISHING A WATERWORKS DEPARTMENT FUND FINANCIAL POLICY. The Waterworks Department maintained certain informal financial policies that encouraged fiscal responsibility and prudence. The City's financial advisor, PFM, recommended that the policies be formally adopted by City Council. PFM worked with Waterworks to update and strengthen its policies, and created seven (7) policies for the Department to adhere to. The Policies are outlined in the attached City Manager's memo and the Resolution prepared by the City Attorney. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions Continued

4. Resolution Establishing a Waterworks Department Fund Financial Policy Continued

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

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

5. Resolution Authorizing the City Manager to Execute All Contracts and Agreements with CSXT, the U.S. Army Corps of Engineers, and Any Other Regulatory Agency to Facilitate the Completion of the Atkinson Boulevard Project

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, ALL CONTRACTS AND AGREEMENTS WITH CSXT, THE UNITED STATES ARMY CORPS OF ENGINEERS, AND ANY OTHER REGULATORY AGENCY TO FACILITATE THE COMPLETION OF THE ATKINSON BOULEVARD PROJECT. This resolution authorized the City Manager to execute all contracts and agreements with CSXT, the U.S. Army Corps of Engineers, and any other regulatory agency to facilitate the completion of the Atkinson Boulevard Project. The Atkinson Boulevard Project consisted of a new four-lane divided highway, including a 1,600 foot bridge, and would be a critical east/west connection between Warwick Boulevard and Jefferson Avenue. On November 22, 2011, City Council approved a Resolution granting authorization to the City Manager to execute all Agreements with the Virginia Department of Transportation (VDOT). It was also necessary to enter into agreements with CSXT, the U.S. Army Corps of Engineers and other agencies. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury inquired of the estimated date of completion for the Atkinson Boulevard Project. City Manager Bourey indicated two to three years after the start date. Vice Mayor Coleman replied, at the last public hearing, it was announced that 2018 was the estimated date of completion.

G. Other City Council Actions Continued

5. Resolution Authorizing the City Manager to Execute All Contracts and Agreements with CSXT, the U.S. Army Corps of Engineers, and Any Other Regulatory Agency to Facilitate the Completion of the Atkinson Boulevard Project Continued

Councilwoman Vick inquired whether CSXT had worked with the aforementioned organizations previously. City Manager Bourey responded yes, the City had worked with the Army Corps of Engineers, and had an agreement to move forward with the project.

Vote on Roll Call:

Ayes: Vick, Woodbury, Bateman, Coleman, Price

Nays: None

H. Appropriations

None

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

Ms. Vanita Banks, President of Loves Lighthouse Prayer Ministries, Inc. 132 Inland View Drive, Newport News, announced that her Youth Empowerment Group planned to host a "Stop Bullying Presentation," in collaboration with the Newport News Police Department, on Friday, April 1, 2016, 6:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). She advised that she planned to have this event quarterly.

Mr. Antonio Thompson, 1211-25th Street, Newport News, addressed City Council on the topic of the City's treasury enrichment, public safety and security. He stated that it was important that public safety and security take first place to ensure future and lasting treasury enrichment. Without lasting world peace, there could be no treasury enrichment.

Mr. Thompson acknowledged the death of former First Lady, Mrs. Nancy Reagan (July 6, 1921 – March 6, 2016). He advised that she and her husband, the late President Ronald Reagan, had an impact on him.

J. New Business and Councilmember Comments

City Manager Bourey provided comments to update the members of City Council and the citizens about the One City Marathon races and events, scheduled for Friday, March 11, 2016 – Sunday, March 13, 2016. There would be a Kick-off event on Friday, March 11, 2016, 5:00 – 8:00 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). Other activities would include a Health and Wellness Expo, presented by Riverside Hospital, on Friday, March 11, 2016, 12:00 noon – 7:00 p.m. at the Denbigh Community Center (15198 Warwick

J. New Business and Councilmember Comments Continued

Boulevard). The Health and Wellness Expo would continue on Saturday, March 12, 2016, 10:00 a.m. – 5:00 p.m.; on Saturday, March 12, 2016, there would be a Family Fun and Fit Day – a day of recreation for everyone, 12:00 noon – 3:00 p.m., at King-Lincoln Park (600 Jefferson Avenue). The rain site would be at the Doris Miller Community Center (2814 Wickham Avenue). A Pasta Dinner was scheduled at the Newport News Marriott at City Center (740 Town Center Drive), on Saturday, March 12, 2016, 6:00 p.m. The Keynote Speakers would include Mr. Roger Brown, a retired professional Hall of Fame football player, and owner of The Cove Tavern (711 Lakefront Commons, Newport News) and Roger Brown's Restaurant and Sports Bar (316 High Street, Portsmouth); and a number of elite runners would also participate. The actual marathon would be held on Sunday, March 13, 2016, at 7:00 a.m. at Newport News Park (13560 Jefferson Avenue); followed by the 8K at 7:45 a.m. (Starting Location: West Avenue and 24th Street); followed by the Nautical Mile at 10:00 a.m. (Starting Location: West Avenue and 24th Street). More than 3,000 runners were expected, 500 for the marathon, 600 for the Relay, with 800 anticipated for the 8K, and more than 1,000 for the Nautical Mile, and approximately 800 volunteers. The final event would be the One City, One Celebration on Sunday, March 13, 2016, at Victory Landing Park (23rd Street), 8:00 a.m. – 2:00 p.m. City Manager Bourey instructed citizens with questions about any of the events, traffic, opening of streets, to visit the website for the Marathon – www.onecitymarathon.com. He commended Dr. Telly Whitfield, Assistant to the City Manager, who had done a great job on the event. City Manager Bourey welcomed all citizens' participation.

Councilwoman Vick reiterated the remarks made by City Manager Bourey regarding the One City Marathon. She advised that she would be “doing” the Maritime 8K, and encouraged citizens to participate in one or two of the events.

Councilwoman Vick extended congratulations to Dr. Anthony Cooper, on his 5th Anniversary as Pastor of Miracle Temple Baptist Church (617-32nd Street). She also extended congratulations to Pastor Kevin Swann, on the celebration of his 10th Anniversary as Pastor of Ivy Baptist Church (50 Maple Avenue).

Councilwoman Woodbury emphasized the success of the “Coffee with a Cop” events. She attended the Coffee with a Cop on Wednesday, February 24, 2016, at Chick-Fil-A in Hidenwood (12423 Warwick Boulevard). She stated the outreach and networking was important for all of the communities. She urged citizens to attend. She announced the next Coffee with a Cop events were scheduled for Wednesday, March 16, 2016, 8:30 a.m. – 10:30 a.m., at Hardee's Restaurant (8104 Newmarket Drive, Hampton), and Wednesday, March 23, 2016, 8:30 – 10:30 a.m. at The Lunch Bell (694 Town Center Drive).

Councilwoman Woodbury commended the Virginia Peninsula Chamber of Commerce for their continuous networking opportunities, by hosting the Business Connection After Hours events. It offered an opportunity for people to get to know new businesses and provided a chance of entrepreneurs to market new businesses.

J. New Business and Councilmember Comments Continued

Councilwoman Woodbury advised that Hampton Roads Transit would conduct a Corridor Study on the Peninsula. The findings of the Study would hopefully result in Bus Rapid Transit, the possibility of Light Rail, and other options to help people to move around the City of Newport News more efficiently. She was pleased that the Peninsula was receiving some attention.

Councilwoman Woodbury attended the breakfast meeting and information session with the Newport News Public Schools (NNPS) for SPARK (Summer Program for Arts, Recreation and Knowledge), held Tuesday, March 8, 2016, at the Newport News Marriott in City Center. The announcement was made that the success of SPARK would be expanded City wide to the North District. She applauded the NNPS for making these educational opportunities available to the North District.

Councilman Bateman thanked City Manager Bourey and the staff and crews of the Department of Public Works for helping the residents on Cedar Lane/James River Drive area in the aftermath of the tornado on Wednesday February 25, 2016 that took out a number of trees and tree limbs. He and the residents were very appreciative of the work that was done.

Vice Mayor Coleman thanked members of the Virginia Unity Project, in partnership with the Hampton and Newport News Police Departments, for hosting the "Call to Action: The Power of Unity" forum, held on Wednesday, March 2, 2016, 7:00 p.m. at Hampton High School (1491 West Queen Street, Hampton), with more than 1,000 in attendance. The special guest moderator was Ms. Janet Roach, of ABC 13 News Network. Suggestions and remarks from the community were the focus of the forum. Vice Mayor Coleman stated that he hoped that this would be a "springboard" to implement some of the suggestions, and development of needed community partnerships.

Vice Mayor Coleman attended the 48th Annual Humanitarian Awards Dinner, sponsored by the Virginia Center for Inclusive Communities, on Thursday, February 25, 2016, at the Newport News Marriott at City Center (740 Town Center Drive). He extended congratulations to the award winners. The 2016 honorees were: Ms. Debra A. Flores; Mr. Robert L. "Bobby" Freeman, Jr.; Ms. Anne W. Henry; Ms. Rosemary D. Tribble; and Mr. Joseph R. Witt. The 2015 Daily Press Citizen of the Year was Mr. David Peebles. Vice Mayor Coleman thanked each honoree for their public service on behalf of the citizens of Newport News.

Vice Mayor Coleman and his colleagues attended the Community Leaders Luncheon on Tuesday, March 1, 2016, at the Newport News Marriott at City Center (740 Town Center Drive). The luncheon was a collaborative effort by the City of Newport News and the Virginia Arts Festival, in celebration of the 20th Anniversary of the Virginia Arts Festival. Representatives from the Virginia Arts Festival and the City's Department of Parks, Recreation, and Tourism provided a briefing at the March 8, 2016 City Council Work Session about the 2nd Annual World Arts Celebration at City Center, scheduled for Saturday, May 21, 2016, and the 4th Annual Memorial Day Concert at City Center, scheduled for Monday, May 30, 2016.

J. New Business and Councilmember Comments Continued

Vice Mayor Coleman and his colleagues attended the Grand Opening Celebration of the new Newport News showroom of the Ferguson Bath, Kitchen & Lighting Gallery (12470 Jefferson Avenue). He urged citizens to stop by and view this beautiful new showroom. He extended congratulations to Ferguson Enterprises on this new facility and thanked them for reinvesting in the City.

Vice Mayor Coleman and colleagues attended the Basic Law Enforcement Graduation Ceremony for the Hampton Roads Criminal Justice Training Academy. He extended congratulations to the new law enforcement officers and wished them well while beginning their journey in the law enforcement field.

Vice Mayor Coleman attended a Career Pathways Breakfast on Friday, March 4, 2016, at Heritage High School (5800 Marshall Avenue), hosted by the NNPS. This event was a series of breakfasts held in each of the City's high schools. He shared that he was very impressed with the young people in attendance. The students were very engaged and informed, and would make great future leaders of the City of Newport News.

Vice Mayor Coleman thanked all citizens that voted in the Democratic and Republican Presidential Primary held on Super Tuesday, March 1, 2016. He stated that voting was one of a citizen's most precious duties—no matter the election, no matter the weather. Citizens should exercise their right to vote by selecting the future leaders, not only in this Country, but the State of Virginia, and the City of Newport News.

Vice Mayor Coleman reiterated the remarks made by City Manager Bourey regarding the One City Marathon. He looked forward to the 2nd Annual One City Marathon. He encouraged citizens to participate in one or two of the events, i.e. the Health and Wellness Expo at the Denbigh Community Center, to cheer for the runners, and/or to attend the One City, One Celebration on Sunday, March 13, 2016, at Victory Landing Park (23rd Street), 8:00 a.m. – 2:00 p.m. The One City Marathon was a great way to showcase the City of Newport News.

Vice Mayor Coleman reminded that applications were available for STEP (Summer Training Enrichment Program). He encouraged citizens to spread the word. All youth between the ages of 16-24 could apply on-line. The program began in the South District, but had been expanded to the North District for 2016, which would double the number of participants.

Mayor Price attended the Newport News Branch NAACP (National Association for the Advancement of Colored People) Annual Presidents' Breakfast on Saturday, March 5, 2016, at the S. Henry Maxwell Family Life Center (50 Maple Avenue). Honorees included: Alpha Kappa Alpha Sorority, Inc. – Lambda Omega Chapter; First Baptist Church East End – Dr. Gregory Howard; First Baptist Church Denbigh – Reverend Ivan Harris; New Beech Grove Baptist Church – Reverend Willard Maxwell; Providence Baptist Church – Dr. Corey L. Brown; and St. Augustine Episcopal Church – Reverend Terry D. Edwards. Mayor Price extended congratulations to the local branch of the NAACP under the strengthening of Ms. Cynthia Downs-Taylor, President of the Newport News branch, which was gaining membership.

J. New Business and Councilmember Comments Continued

Mayor Price and colleagues attended the Christening of the Washington SSN-787 (submarine). The Newport News Shipyard was celebrating its 130th year in existence. They continued to build good ships for the safety of this country.


Mayor Price advised that he, Vice Mayor Coleman, and City Manager Bourey visited the Gerald R. Ford, CVN-78, the new Ford class aircraft carrier. They had the opportunity to meet the outgoing Commander, the incoming Commander, and the many sailors who volunteered their time in the City of Newport News.

Mayor Price reiterated the remarks made by City Manager Bourey regarding the One City Marathon. He looked forward to the 2nd Annual One City Marathon. He encouraged citizens to participate in some way to show the unity of this City.

K. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 7:26 P.M.



Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

5. Resolution Expressing Support for a Joint Land Use Study (JLUS) Among Joint Base Langley-Eustis (JBLE) and Surrounding Communities

ACTION: A REQUEST TO APPROVE A RESOLUTION SUPPORTING A JOINT LAND USE STUDY (JLUS) AMONG JOINT BASE LANGLEY-EUSTIS (JBLE) AND SURROUNDING COMMUNITIES.

BACKGROUND:

- JBLE is important to national defense and to the economies of the Commonwealth of Virginia, the Hampton Roads region, and the City of Newport News.
- The JLUS is a community-driven, cooperative, strategic planning process that promotes community development that is compatible with military training, testing and operational missions, and seeks to reduce operational impacts on non-military lands.
- The City of Newport News has been designated to serve as the sponsoring agency for the JBLE-JLUS and to apply for a Community Planning Assistance Grant from the Department of Defense, Office of Economic Adjustment to fund the study.

FISCAL IMPACT:

- Award of a Community Planning Assistance Grant requires a minimum of 10 percent of the project's total proposed funding be comprised of non-federal sources.
- The matching requirement may be in the form of cash, in-kind services (staff time) or a combination of the two.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re JBLE Joint Land Use Study

sdm14210 Expressing Support for a Joint Land Use Study (Langley-Eustis)

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Resolution in Support of Joint Land Use Study

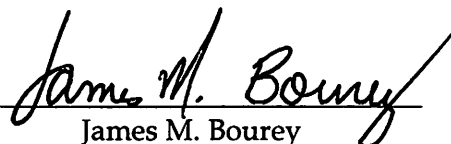
The request is to issue a Resolution expressing support for a Joint Land Use Study (JLUS) between Joint Base Langley-Eustis (JBLE) and surrounding communities. JBLE is important to national defense and to the economies of the Commonwealth of Virginia, the Hampton Roads region, and the City of Newport News.

The JLUS is a community-driven, cooperative, strategic planning process that promotes community development that is compatible with military training, testing and operational missions, and seeks to reduce operational impacts on non-military lands. The JLUS is not a "no growth" plan, but rather a plan to promote balanced and sustainable development without hindering national military readiness.

The City of Newport News has been designated to serve as the sponsoring agency for the JBLE JLUS and to apply for a Community Planning Assistance Grant from the Department of Defense, Office of Economic Adjustment to fund the study. The City will serve as Grant Administrator and procure the services of a consultant to perform the study. Staff will participate in the planning process, serving on the leadership and advisory committees.

Award of a Community Planning Assistance Grant requires a minimum of 10 percent of the project's total proposed funding be comprised of non-federal sources. The matching requirement may be in the form of cash, in-kind services (staff time) or a combination of the two. For the JBLE JLUS, the City of Newport News and the City of Hampton together will be responsible for meeting the matching requirement. Funding will be determined once the JLUS is scoped.

I recommend adoption of this Resolution.


James M. Bourey

JMB:bsa

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING SUPPORT FOR A JOINT LAND USE STUDY AMONG
JOINT BASE LANGLEY-EUSTIS AND SURROUNDING COMMUNITIES.**

WHEREAS, it is mutually recognized that the continued operation of Joint Base Langley-Eustis (JBLE) is important to national defense and to the economies of the Commonwealth of Virginia, Hampton Roads region, and the City of Newport News; and

WHEREAS, the City of Newport News intends to engage in a cooperative planning effort, known as a Joint Land Use Study (JLUS), to guide further community growth and development that is compatible with the mission of JBLE; and

WHEREAS, it is recognized that participation in and development of the JLUS would also benefit the health, safety and general welfare of the citizens of Newport News; and

WHEREAS, on February 3, 2016 the City of Newport News was designated to serve as the sponsoring agency for the JLUS and to apply for designated funding from the Department of Defense, Office of Economic Adjustment.

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

1. That the City of Newport News agrees to participate in the development of a JLUS with JBLE and other surrounding communities.
2. That the City of Newport News agrees to serve as the sponsoring agency and Grant Administrator for the JLUS.
3. That the City of Newport News will apply grant funds to retain the services of a well-qualified Consultant to perform the study.
4. That the City agrees to consider funding its local matching share of the cost of the JLUS once the scope of work is determined.
5. That the City commits to a good faith effort to implement the JLUS recommendations as the same are approved by the Newport News City Council.

F. Consent Agenda

6. Resolution Supporting an Extension of the Programmatic Project Administration Agreement (PPAA) with the Virginia Department of Transportation (VDOT) for the FY 2014 VDOT Revenue Sharing Program

ACTION: A REQUEST TO APPROVE A RESOLUTION SUPPORTING AN EXTENSION OF THE PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT (PPAA) AS A RESULT OF AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) THROUGH THE FY 2014 VDOT REVENUE SHARING PROGRAM.

BACKGROUND:

- The current PPAA will expire June 30, 2016 and there is an option in the current agreement for a three year extension.
- This Resolution affirms the City's commitment to the projects and is required to accept the option for extension.
- Revenue Sharing Funds are appropriated under separate council action in accordance with each project schedule.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re VDOT PPAAgrment Extension

sdm14183 Authorizingre VDOT Extension Addendum

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council

FROM: City Manager

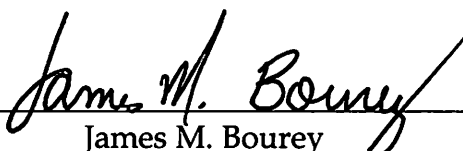
SUBJECT: VDOT Revenue Sharing Program - Programmatic Project Administration Agreement (PPAA) Extension

The Virginia Department of Transportation (VDOT) Revenue Sharing Program allows localities to request reimbursable funds up to \$10 million per year, with a total program limit of \$20 million per year. The City has multiple Revenue Sharing projects underway with a current value of approximately \$40.8 million. The current Programmatic Project Administration Agreement (PPAA) between the City and VDOT for the Revenue Sharing Program will expire on June 30, 2016. This agreement was valid for three (3) fiscal years (FY 2014, FY 2015, FY 2016), with an option to extend this agreement for an additional three (3) fiscal years (FY 2017, FY 2018, FY 2019).

VDOT has offered a programmatic addendum to accept the option for extension. Due to a recent VDOT requirement, each locality, by Resolution, must also provide assurance of its commitment to funding the project and meeting the financial obligation under the Program. VDOT is requesting that in this same resolution, the locality provide its designation of signature authority.

Revenue Sharing Funds are appropriated under separate council action in accordance with each project schedule.

I recommend approval of the resolution extending the PPAA for the VDOT Revenue Sharing Program.


James M. Bourey

JMB:KBS:wjr

RESOLUTION NO. _____

A RESOLUTION SUPPORTING AN EXTENSION OF A COST SHARING AGREEMENT ENTERED INTO AS A RESULT OF AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF \$3,422,500.00 THROUGH THE VDOT REVENUE SHARING PROGRAM FOR FY2014.

WHEREAS, VDOT, through its FY 2014 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 approved Resolution 12378-12 ("the Resolution") on October 9, 2012, which provided that the Council supported the FY 2014 cost sharing program and further gave the City Manager authority to sign any agreements or other documents necessary to further the program described in the Resolution; and

WHEREAS, the City entered into an agreement ("the Agreement") with VDOT on or about November 15, 2013, which covered the cost-sharing agreement for five of the seven projects listed in the Resolution, a copy of which is attached herewith as Exhibit 1; and

WHEREAS, that Agreement by its terms will expire on June 30, 2016, and the Agreement requires extension to remain viable; and

WHEREAS, VDOT has proffered an extension agreement ("the Extension Agreement") which will extend the expiration date to June 30, 2019, attached as Exhibit 2; and

WHEREAS, although the language of the Resolution is broad enough to cover execution of the Extension Agreement, VDOT is requiring a separate resolution allowing execution of the Extension Agreement: and

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

1. That it hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) under the Agreement with the Virginia Department of Transportation in accordance with the project financial documents.

2. That the City Manager is authorized to execute and the City Clerk to attest on behalf of the City, that Programmatic Project Administration Agreement Extension Addendum, attached hereto as Exhibit 2, and any and all agreements, addenda or documents necessary for any of the approved projects with the Virginia Department of Transportation; provided that all such agreements, addenda or 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, March 22, 2016.

RESOLUTION NO. 12378-12

A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF \$3,422,500.00 THROUGH THE VDOT REVENUE SHARING PROGRAM FOR FY2014.

WHEREAS, VDOT, through its FY 2014 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 \$3,442,500.00 through the VDOT FY 2014 Revenue Sharing Program on projects totaling \$6,845,000.00.

WHEREAS, \$375,000.00 of these funds are requested to fund the additional southbound lane on Warwick Boulevard just north of Lake Maury, the total cost of which is estimated to be \$750,000.00; and

WHEREAS, \$1,100,000.00 of these funds are requested to fund improvements to Prince Drew Road, together with curb, gutter and sidewalk, the total cost of which is estimated to be \$2,200,000.00; and

WHEREAS, \$375,000.00 of these funds are requested to fund improvements to Gwynn Circle Drainage to prevent flooding, the total cost of which is estimated to be \$750,000.00; and

WHEREAS, \$150,000.00 of these funds are requested to fund improvements to sidewalks including ADA compliant ramps as part of an annual program, the total cost of which is estimated at \$300,000.00; and

WHEREAS, \$147,500.00 of these funds are requested to fund a conversion to a traffic signal mast arm at Jefferson Avenue and Center Avenue, the total cost of which is estimated at \$295,000.00; and

WHEREAS, \$125,000.00 of these funds are requested to fund replacement of handrails on Jefferson Avenue from 50th Street to 79th Street, the total cost of which is estimated to be \$250,000.00; and

WHEREAS, \$1,150,000.00 of these funds are requested to widen Hoopes Road to City standards and add pedestrian feature, the total cost of which is estimated to be \$2,300,000.00.


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 \$3,422,500.00 through the Virginia Department of Transportation FY2014 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, October 9, 2012.

Sponsor:



PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 9, 2012

Countersigned:


Mayor

Attest:


Mabel Washington Jenkins MMC
City Clerk

Roll Call Vote Resulted As Follows:

Ayes: Scott, Vick, Whitaker, Woodbury, Bateman, Coleman, Price

Nays: None

**PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT
EXTENSION ADDENDUM
Revenue Sharing Projects**

THIS ADDENDUM is 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 and the DEPARTMENT, entered into a Programmatic Project Administration Agreement for Revenue Sharing Projects on November 15, 2013; and

WHEREAS, said agreement has an initial term of three fiscal years (each year beginning July 1st - June 30th), and will expire on June 30, 2016, and may be extended for one additional term of three fiscal years; and

WHEREAS, the parties to the agreement hereby declare their intent to extend said agreement as provided in Paragraph 1 of said agreement and further declare that such terms and provisions provided therein shall remain unchanged.

NOW THEREFORE, in consideration of the mutual premises contained therein and in this Addendum, the parties agree to extend said agreement for one additional term of three fiscal years with a new expiration date of June 30, 2019.

IN WITNESS WHEREOF, each party hereto has caused this Addendum to be executed as of the day, month, and year first herein written.

CITY OF NEWPORT NEWS, VIRGINIA:

Typed or printed name of signatory

Title

Date

Signature of Witness

Date

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

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy

Date

Commonwealth of Virginia

Department of Transportation

Signature of Witness

Date

F. Consent Agenda

7. Resolution Authorizing the City Manager to Execute Any and All Documents Necessary to Effectuate and Implement an Amendment to a Lease between DF Fishing Point, LLC and the City of Newport News

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE AND IMPLEMENT AN AMENDMENT TO A LEASE BETWEEN DF FISHING POINT, LLC AND THE CITY OF NEWPORT NEWS.

BACKGROUND:

- The City has leased space known as Suite 114 in the building located at 11828 Fishing Point Drive for the Police Department since 2006.
- The current lease between DF Fishing Point, LLC and the City will expire June 30, 2016 and an amendment to the lease is needed to continue to use the space in the building.
- The proposed Amendment will extend the Lease for a period of five (5) years, commencing July 1, 2016 and terminating June 30, 2021, with the City's option to terminate the Lease any time after the third year, with 180 days prior written notice.
- All other terms and conditions of the existing Lease will remain in full force and effect.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Lease Amdmnt with DF Fishing Pt

sdm14154 Authorizing re Lease Amendment re D F Fishing Point LLC

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council

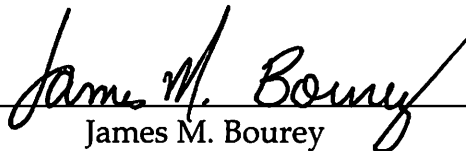
FROM: City Manager

SUBJECT: Lease Amendment for Space at 11828 Fishing Point Drive

The City has leased space known as Suite 114 in the building located at 11828 Fishing Point Drive in Newport News for the Police Department since 2006. The current lease between DF Fishing Point, LLC ("Landlord") and the City will expire June 30, 2016 and the Police Department has requested an Amendment to the Lease to continue to use the 6,452 square-feet of space in the building.

The proposed Amendment will extend the Lease for a period of five (5) years, commencing July 1, 2016 and terminating June 30, 2021, with the City having the right to terminate the Lease any time after the 3rd year, with 180 days prior written notice. In addition, the proposed Amendment decreases the square footage rental amount from the current \$15.71 per-square-foot to \$15.00 per-square-foot. All other terms and conditions of the existing Lease are to remain in full force and effect.

I recommend City Council approve the resolution, prepared and provided to you by the City Attorney's Office, authorizing the Amendment to the current Lease for the Police Department to continue to use the 6,452 square-feet of space, known as Suite 114, in the building located at 11828 Fishing Point Drive and authorizing me to execute any documents necessary to effectuate the transaction.


James M. Bourey

JMB:tcf

cc: Joseph A. Moore, Assistant Chief, Newport News Police Department

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 ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE AND IMPLEMENT AN AMENDMENT TO A LEASE BETWEEN DF FISHING POINT, LLC AND THE CITY OF NEWPORT NEWS, VIRGINIA, EXTENDING THE TERM THEREOF.

WHEREAS, by Resolution No. 11165-06, the City Council authorized the City Manager to execute and the City Clerk to attest any and all documents necessary to implement a Lease between Drucker & Falk, LLC and the City of Newport News, Virginia, for the City's use; and

WHEREAS, the Landlord's current name is DF Fishing Point, LLC; and

WHEREAS, both parties desire to amend the terms of the lease and extend the term of the lease for an additional 5 year term.

NOW, THEREFORE, BE IT RESOLVED 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 any and all documents necessary to effectuate and implement an amendment to the Lease between DF Fishing Point, LLC and the City of Newport News, Virginia, authorized by Resolution No. 11165-06.

2. That all documents shall first be reviewed and approved as to form by the City Attorney before their execution.

3. That this resolution shall be in effect on and after the date of its adoption, March 22, 2016.

AMENDMENT NO. 1

THIS AMENDMENT NO. 1, dated March 22, 2016, to that Lease dated the 9th day of May, 2006, by and between the **DF FISHING POINT, LLC** ("Landlord"), and **CITY OF NEWPORT NEWS, VIRGINIA** ("Tenant").

WITNESSETH:

WHEREAS, the Landlord and Tenant entered into that certain Lease dated the 9th day of May, 2006 (the "Lease"), pursuant to which Landlord leased to Tenant and Tenant leased from Landlord the Demised Premises, all as set forth in the Lease; and

WHEREAS, Landlord and Tenant desire to amend the Lease, which is currently due to expire on June 30, 2016, by authorizing the renewal of the lease for a five (5) year renewal term beginning on July 1, 2016 and terminating on June 30, 2021; and

WHEREAS, Landlord and Tenant desire to amend the rental rate paid under the Lease.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant amend the Lease as follows:

1. **RENEWAL TERM:** At the end of the current term, the Lease will be renewed for a five (5) year renewal term, commencing July 1, 2016 and terminating June 30, 2021 (the "Renewal Term"). Notwithstanding the above, Tenant has the right to terminate the Lease at any time after June 30, 2019, by providing 180 days written notice to Landlord.

2. **RENT:** During first Lease Year of the Renewal Term, Tenant agrees to pay Landlord, without prior demand, rent (the "Rent") in the amount of **Fifteen and 00/100 Dollars (\$15.00)** per square foot per annum, which equates to **Ninety Six Thousand Seven Hundred Eighty and 00/100 Dollars (\$96,780.00)**; payable in equal monthly installments of **Eight Thousand Sixty-Five and 00/100 Dollars (\$8,065.00)** in advance on or before the first day of each month during the Renewal Term, at such place as Landlord may direct in writing. Notwithstanding the above, this Lease is subject to annual appropriation by the local governing body of the City of Newport News. In accordance with paragraph 4 of the Lease, the Rent will increase annually by **Three Percent (3%)** in each Lease Year after the first Lease Year of the Renewal Term.

3. **OTHER:** Except to the extent they directly conflict herewith, the remaining terms of the Lease shall remain in full force and effect.

WITNESS the following Signatures and seals:

LANDLORD: **DF FISHING POINT, LLC**

By: _____

Its: _____

TENANT: **CITY OF NEWPORT NEWS, VIRGINIA**

By: _____
City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that _____ and _____, whose names appear as City Manager and City Clerk, respectively, of the CITY OF NEWPORT NEWS, VIRGINIA, are signed to the foregoing Amendment No. 1 bearing date on the 22nd day of March, 2016, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public

My Commission expires: _____

COMMONWEALTH OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that _____, whose name appears as _____ of DF FISHING POINT, LLC, is signed to the foregoing Amendment No. 1 bearing date on the 22nd day of March, 2016, has acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public

My Commission expires: _____

sdm14153

G. Other City Council Actions

1. 1 of 2: Resolution Authorizing the City Manager to Execute a Commonwealth's Development Opportunity Fund (COF) Performance Agreement By and Among the City of Newport News, The Industrial Development Authority (IDA) and Printpack, Inc.

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND (COF) PERFORMANCE AGREEMENT BY AND AMONG THE CITY OF NEWPORT NEWS, VIRGINIA, THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS (IDA), VIRGINIA, AND PRINTPACK, INC.

BACKGROUND:

- Printpack, Inc. has announced a significant expansion of certain operations to increase its capacities in the manufacturing of plastic packaging at its facility located in Oakland Industrial Park.
- A tri-party COF Performance Agreement is required of the City to confirm support of the Printpack Expansion Project and receive the related grant funds.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re COF Performance Agrmnt

sdm14178 Resolution Authorizing CM to Execute COF Agrmnt

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Expansion of Printpack, Inc.

On January 26, 2016, Governor Terry McAuliffe announced that Printpack, Inc. plans to expand its operations in Newport News, creating 50 new jobs and investing \$25.7 million in new capital expenditures, providing long-term benefits to the City of Newport News. I am now seeking City Council action to authorize the required Commonwealth's Development Opportunity Fund (COF) Performance Agreement and to receive and appropriate the related \$150,000 grant in support of the Printpack Expansion Project.

The COF Agreement is a three-party agreement by and between the City, the Industrial Development Authority of the City of Newport News, Virginia (IDA) and Printpack, Inc. A draft of the COF Agreement, prepared by the Commonwealth, has been reviewed and provided to you by the City Attorney's Office. The IDA took its action on the COF Agreement at its Board of Directors meeting on March 4, 2016, subject to your authorization of the COF Agreement. Since the potential for some minor, non-material changes exists, the City and IDA actions to authorize the COF Agreement will be subject to the final review and approval of respective legal counsels.

The COF Agreement provides for a \$150,000 COF Grant. I am asking City Council to authorize acceptance of the \$150,000 COF Grant from the Commonwealth and appropriate these funds to the IDA for disbursement to Printpack, Inc. to support private infrastructure and facility improvements necessary for this expansion.

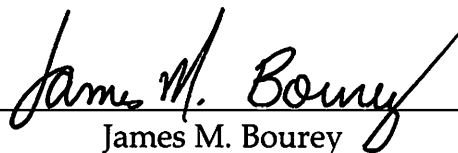
The local Enterprise Zone incentive (the Expansion/Relocation Cost Reduction incentive administered by the IDA, or "ERCR"), which

The Honorable City Council
Page 2
Expansion of Printpack, Inc.
March 16, 2016

Printpack qualifies for, will provide the required local dollar-for-dollar match for the COF Grant. The ERCR incentive will be delivered to Printpack as a price reduction, on the purchase of the existing facility, of \$1.2 million based on anticipated tax revenues generated by the expansion. The IDA also took action to authorize the ERCR at its March 4, 2016 Board of Directors meeting.

City Council action to authorize the COF Agreement and to accept and appropriate the COF Grant at your March 22, 2016 meeting, and IDA actions to authorize the COF Agreement and ERCR Agreement at its March 4, 2016 Board of Directors meeting, allows the Commonwealth to disburse the COF Grant in accordance with the COF Agreement.

As the expansion of Printpack in Newport News is important and highly advantageous for our City in terms of substantial investment and significant number of new jobs, I recommend that Council authorize the COF Agreement, accept and appropriate the \$150,000 COF Grant to the IDA, and authorize me to execute any and all necessary documents, subject to the prior review and approval of the City Attorney.


James M. Bourey

JMB:dep

cc: Wendy C. Drucker, Chair, Industrial Development Authority (IDA)
Florence G. Kingston, Director, Department of Development
Lisa J. Cipriano, Director, Department of Budget and Evaluation

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, A COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND PERFORMANCE AGREEMENT BY AND AMONG THE CITY OF NEWPORT NEWS, VIRGINIA ("THE CITY"), THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA ("THE IDA"), AND PRINTPACK, INC. ("PRINTPACK").

WHEREAS, Printpack has announced the expansion of certain operations in Newport News to increase its capacities in the manufacturing of plastic packaging and related products at its manufacturing facility in the City of Newport News, Virginia ("the Facility"), and the creation of a significant number of new jobs at the Facility; and

WHEREAS, Printpack plans to invest approximately \$25.7 million in new capital expenditures, and to create approximately 50 new jobs at the Facility with annual salaries averaging \$42,840 (collectively, the "Printpack Project"); and

WHEREAS, the City has been awarded a grant of and expects to receive \$150,000 from the Commonwealth's Development Opportunity Fund (a "COF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing Printpack to expand, equip and improve the Facility; and

WHEREAS, in order for the City to receive the COF Grant from the Commonwealth of Virginia, a tri-party Commonwealth's Development Opportunity Fund Performance Agreement is required between the City, the IDA and Printpack.

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, any and all documents necessary to effectuate and implement a Commonwealth's Development Opportunity Fund Performance Agreement by and among the City of Newport News, Virginia, the Industrial Development Authority of the City of Newport News, Virginia, and Printpack, Inc.

2. That the City Attorney shall review and approve all such documents as to form and legality prior to their execution.

3. That this resolution shall be in effect on and after the date of its adoption, March 22, 2016.

G. Other City Council Actions

2. 2 of 2: Resolution Authorizing the Acceptance and Appropriation of \$150,000 in Grant Funds from the Commonwealth's Development Opportunity Fund (COF) for the Printpack, Inc. Expansion Project

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF \$150,000 IN GRANT FUNDS FROM THE COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND (COF) FOR THE PRINTPACK, INC. EXPANSION PROJECT.

BACKGROUND:

- With the approval of the tri-party Commonwealth's Development Opportunity Fund (COF) Performance Agreement, the City will receive a related grant in the amount of \$150,000 for the Printpack Expansion Project.
- This Resolution allows City Council to take action and approve the receipt and appropriation of the funds.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

sdm14201 Appropriation re Printpack Expansion

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM COMMONWEALTH’S DEVELOPMENT OPPORTUNITY FUND TO PRINTPACK EXPANSION.

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

That it hereby appropriates funds from Commonwealth’s Development Opportunity Fund to Printpack Expansion, as follows:

Appropriation From:

Commonwealth’s Development Opportunity Fund 6420-750-39-3932-464014-393205- 0000-00000	\$ 150,000.00
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Appropriation To:

Printpack Expansion 6420-750-39-3932-464014-530100- 0000-00000	\$ 150,000.00
--	---------------

H. Appropriations

ACTION:

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

1. Department of Engineering - FY 2016 Bond
Authorization, Public Buildings Category: Construction
of the Public Works Warehouse - \$1,000,000

H. Appropriations

1. Department of Engineering – FY 2016 Bond Authorization, Public Buildings Category:
Construction of the Public Works Warehouse – \$1,000,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$1,000,000 FROM THE FY 2016 BOND AUTHORIZATION, PUBLIC BUILDINGS CATEGORY FOR THE CONSTRUCTION OF THE PUBLIC WORKS WAREHOUSE.

BACKGROUND:

- The scope of the project involves the construction of a new warehouse facility for Public Works.
- The facility will contain 12,800 square-feet of warehouse space and a 6,900 square-foot, two-story office area.

FISCAL IMPACT:

- The total estimated project cost is \$1,500,000.
- Funding of \$1,000,000 is available from the FY 2016 Bond Authorization, Public Buildings Category.
- The remaining funding of \$500,000 is available from previously appropriated Wastewater Operating budget funds.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re Public Works Warehouse

sdm14215 Appropriation re Construction of Public Works Warehouse

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Construction of the Public Works Warehouse

City Council is requested to approve a resolution appropriating \$1 million for the Public Works Warehouse Building.

The scope of the project involves the construction of a new warehouse and office facility. The building will contain a warehouse with office space for warehouse personnel.

Presently, the warehouse activities are contained in several buildings and modular units at its Oyster Point location. The new building will allow all the warehouse activities to be contained in one facility, increasing staff efficiency.

The project was approved in the FY 2017 - FY 2021 Capital Improvements Plan (CIP). Funding of \$1 million is available from the FY 2016 Bond Authorization, Public Buildings Category and the remaining funding of \$500,000 is available from previously appropriated Wastewater Operating budget funds.

I recommend approval of this resolution.


James M. Bourey

JMB:BDW:plw

Attachment

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO PUBLIC WORKS WAREHOUSE.

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

That it hereby appropriates funds from Bonds Authorized and Unissued to Public Works Warehouse, as follows:

Appropriation From:

Bonds Authorized and Unissued	
4104-100-70-700G-579000-000000-2016-	
00000-G0000	\$ 1,000,000.00

Appropriation To:

Public Works Warehouse	
4104-250-70-700G-579420-000000-2016-	
00000-G0011	\$ 1,000,000.00

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

J. New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Vick
Woodbury
Bateman
Cherry
Coleman
Price
Scott

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."**