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AGENDA

NEWPORT NEWS CITY COUNCIL REGULAR CITY COUNCIL MEETING

JUNE 24, 2014

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation - Pastor James Bolds, Victory Christian Center

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

D. Presentations

None

E. Public Hearings

1. Resolution Approving the Submission of an Application to the Virginia Department of Housing and Community Development (DHCD) for the Designation of a New Virginia Enterprise Zone

2. Ordinance Granting Conditional Use Permit, CU-14-333 to M & E, LLC, to Allow for the Operation of a Restaurant (Taco Bell) with Drive-through Service Adjacent to Residential Property Located at 10736 Jefferson Avenue and Zoned C1 Retail Commercial

3. Ordinance Authorizing Sign Ordinance Amendment, Sign-14-83, City of Newport News, to Delete the Definition of Animated Sign and its Related Regulations and Add the Definitions of Nit, Electronic Display and Marquee Signs; and Add New Regulations for Electronic Display Signs (Sections 33.01-1, 33.01-6, 33.01-8 and 33.01-6.1)

F. Consent Agenda

1. Minutes of the Special Meeting of June 10, 2014

2. Minutes of the Work Session of June 10, 2014

3. Minutes of the Regular Meeting of June 10, 2014

4. Resolution of Recognition: USS *Newport News* (SSN 750) - 25th Anniversary (June 2014)

5. Resolution Approving Heart Song Transport to Operate in the City of Newport News

6. Resolution Establishing the Employer Contribution Rate for Members of the Virginia Retirement System (VRS) in Accordance with the Proposed 2014 Appropriation Act, Item 467(I) of the Virginia General Assembly

7. Resolution Concurring with the Newport News School Board's (NNSB) Selection of a Virginia Retirement System (VRS) Employer Contribution Rate for the FY 2015-2016 Biennium

G. Other City Council Actions

1. Ordinance Amending City Code, Chapter 29, Parks, Squares and Recreational Facilities; Article II., General Regulations Governing Parks, Squares, Beaches, Golf Courses, etc.; Section 29-46, Consumption and Possession of Alcoholic Beverages In or On Recreation Facilities

2. Ordinance Amending City Code, Chapter 2, Administration; Article I., In General; Section 2-13., Contract Execution by City Manager or His Designee

3. Ordinance Amending City Code, Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund; Division 5., Eligibility for, Receipt and Amounts of, Retirement Benefits; Section 31-59, Annual Review of Disability Recipients; Continuation, Cessation or Adjustment of Allowances or Benefits; Division 7., Administration; Section 31-79, Investment of Reserves

4. Resolution Approving a Payment Agreement Related to the Support of Apprentice School Parking Facilities

H. Appropriations

1. Newport News Police Department (NNPD) – Department of State Police: Help Eliminate Auto Theft (H.E.A.T.) Grant – $1,947

2. Newport News Fire Department (NNFD) - Virginia Department of Emergency Management (VDEM): FY 2013 Supplemental Local Emergency Management Performance Grant $3,000.

3. Commonwealth's Attorney's Office (CAO) – Asset Forfeiture Funds: Victim Services Unit – $5,000

4. Commonwealth's Attorney's Office (CAO) – Asset Forfeiture Funds: Karpel Case Management System, Hardware and Software Purchase – $62,600

5. Department of Engineering – State Revenue Sharing Program ($100,000) and the FY 2014 Bond Authorization ($100,000): 27th Street and Buxton Avenue Grade Adjustment Project –

$200,000

6. Department of Engineering – FY 2014 Bond Authorization: Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project – $1,200,000

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. Scott
5. Vick
6. Whitaker
7. Woodbury
8. Bateman
9. Coleman
10. Price

K. Adjourn

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

A. Call to Order

B. Invocation – Pastor James Bolds, Victory Christian Center

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

D. Presentations

E. Public Hearings

1. Resolution Approving the Submission of an Application to the Virginia Department of Housing and Community Development (DHCD) for the Designation of a New Virginia Enterprise Zone

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AN APPLICATION FOR A NEW VIRGINIA ENTERPRISE ZONE DESIGNATION, BY THE COMMONWEALTH OF VIRGINIA, OF A NEWPORT NEWS ENTERPRISE ZONE PURSUANT TO THE VIRGINIA ENTERPRISE ZONE GRANT ACT.

BACKGROUND:

- Council has been previously briefed on the importance of securing a new Virginia Enterprise Zone designation.
- Council approval of a resolution and formal application to the DHCD is required to achieve the Virginia Enterprise Zone designation.
- This action is critical to the continued success of our Enterprise Zone program by aiding the development and growth of key businesses and areas of the City located within the boundaries of the potential designation.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re VA Enterprise Zone Designation
sdm12631 Reso Authorizing an Application for a Virginia Enterprise Zone Designation

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Virginia Enterprise Zone Designation Application

City Council authorization of an application for a Virginia Enterprise Zone (VEZ) designation to the Virginia Department of Housing and Community Development (DHCD) is needed. This action is critical to the continued success of our Enterprise Zone program, as a new zone designation will provide the City with the flexibility to include a significant number of businesses and assist with their future development and growth.

I recommend that City Council approve the Resolution, prepared and provided to you by the City Attorney's Office, authorizing an application to DHCD for a Virginia Enterprise Zone designation.

James M. Bourey

JMB:gas

cc: Florence Kingston, Director, Department of Development
Carol Meredith, Assistant Director, Department of Development
Sam Workman, Assistant Director, Department of Development

sdm12631

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING AN APPLICATION FOR A VIRGINIA ENTERPRISE ZONE DESIGNATION BY THE COMMONWEALTH OF VIRGINIA, OF A NEWPORT NEWS ENTERPRISE ZONE PURSUANT TO THE VIRGINIA ENTERPRISE ZONE ACT.

WHEREAS, the Commonwealth of Virginia has adopted the Enterprise Zone Grant Act and designed the program with the purpose of stimulating real property improvements and new job creation in localities, and administers the Act through the Virginia Department of Housing and Community Development (DHCD) and Enterprise Zone Regulations adopted by DHCD; and

WHEREAS, the City of Newport News has two Enterprise Zones that are expiring at the end of Calendar Year 2014; and

WHEREAS, the Commonwealth of Virginia is accepting applications for the designation of new Enterprise Zone boundaries; and

WHEREAS, the Council of the City of Newport News proposes to make an application to DHCD for a new Enterprise Zone designation; and

WHEREAS, the attached exhibits show the approximate boundaries of the proposed Newport News Enterprise Zone whose exact and official boundaries are to be shown on a series of Real Estate Assessment Maps located in the City Clerk's Office and in the Department of Development upon successful zone designation.

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

1. That it is the policy of the City to stimulate real, as well as tangible, property improvements and new job creation within the boundaries of the proposed Newport News Enterprise Zone.

2. That the Council is of the opinion that a Virginia Enterprise Zone designation is of significant assistance in encouraging economic development activities within the boundaries of the proposed Newport News Enterprise Zone, which activities lead to continued economic growth and diversification.

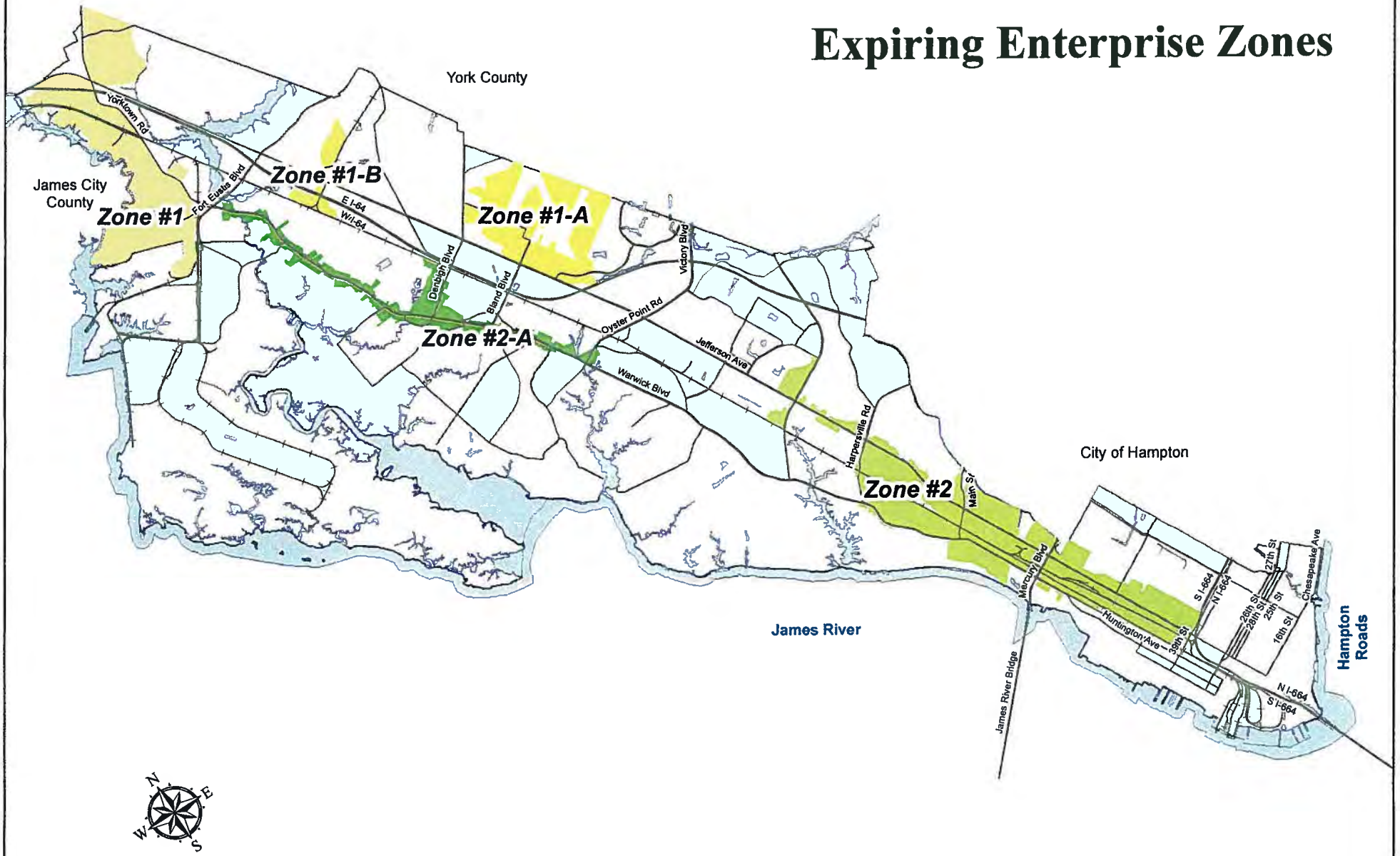
3. That the Council therefore wishes to make an application as aforesaid to DHCD for the designation of the proposed Newport News Enterprise Zone; the approximate

boundaries of which are shown on the attached exhibits and whose exact and official boundaries are to be shown on a series of Real Estate Assessment Maps located in the City Clerk's Office and in the Department of Development upon successful zone designation.

4. That the Council authorizes the City Manager, as its chief administrator, to submit to appropriate state departments and officials all information needed to apply for the designation of the proposed Newport News Enterprise Zone and to meet all other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the proposed Newport News Enterprise Zone.

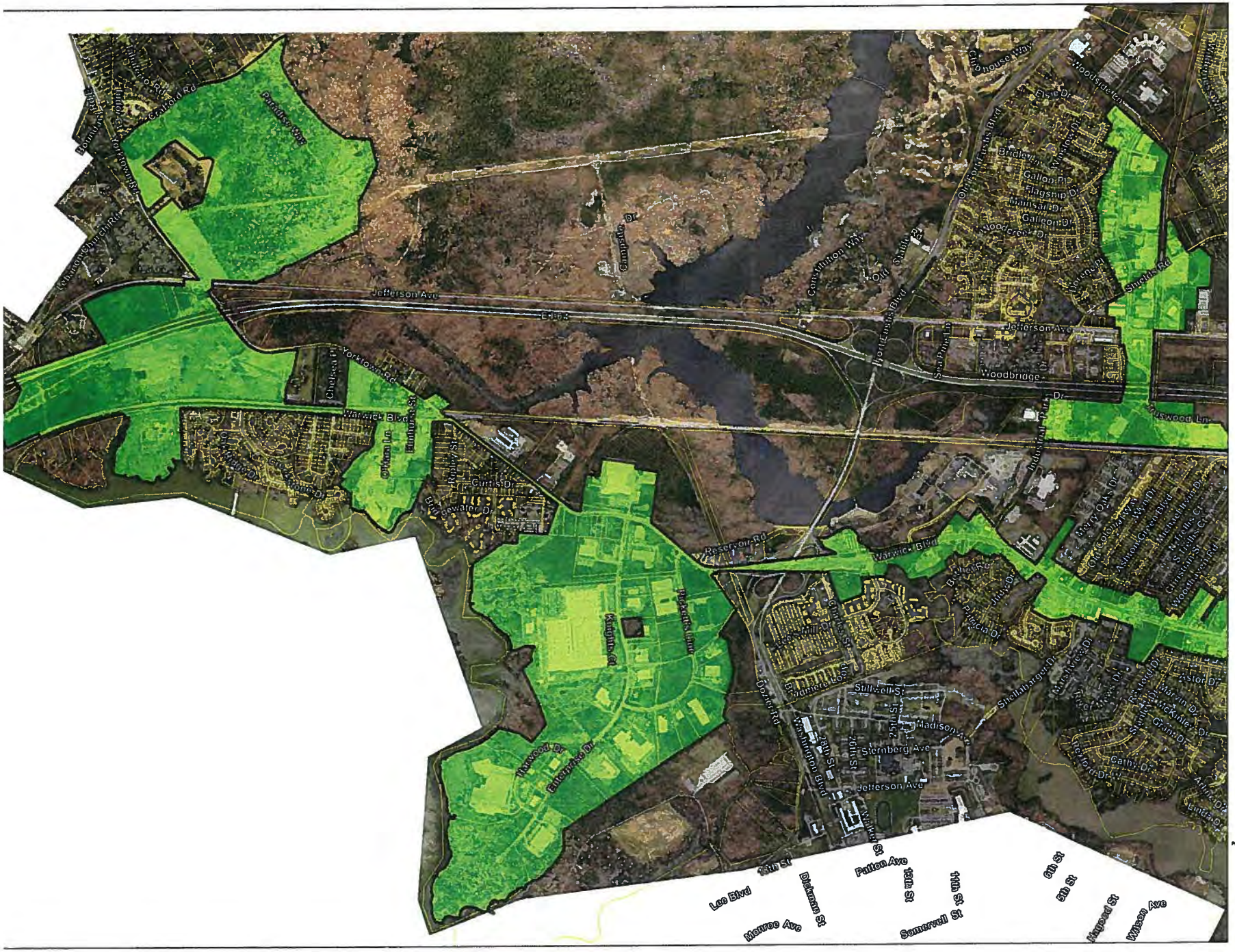
5. That this resolution shall be in effect on and after the date of its adoption, June 24, 2014.

Expiring Enterprise Zones



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Date: 6/2/2014



City of Newport News
Department of Engineering

Proposed Enterprise Zone

Legend

Proposed Enterprise Zone

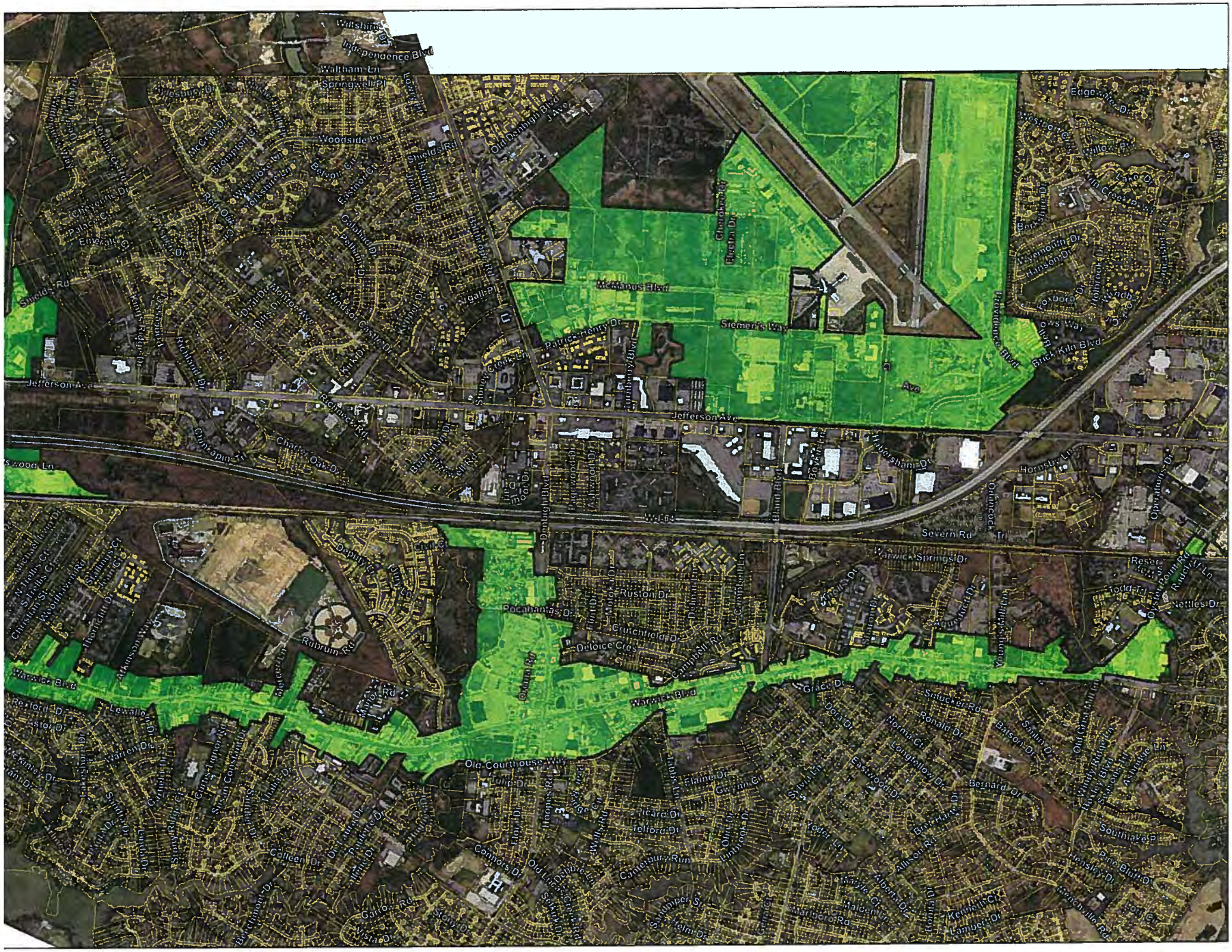
Total Acreage - 3235.75 Acres

2013 Aerial Photography

800 400 0 800 1,600 Feet

Date: 6/2/2014

Virginia State Code - 54.1-4645 and 54.1-406
Any determination of topography or contours, or any depictions of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



City of Newport News
Department of Engineering

Proposed Enterprise Zone

Legend

Proposed Enterprise Zone

Total Acreage - 3235.75 Acres

2013 Aerial Photography

800 400 0 800 1,600
Feet

Date: 6/2/2014

Path: N:\Newport\News\Development\Storage\Enterprise Zone\2014\Zone1_Map2_Change4

Virginia State Code - §4.1-404B and §4.1-406
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

E. Public Hearings

2. Ordinance Granting Conditional Use Permit, CU-14-333 to M & E, LLC, to Allow for the Operation of a Restaurant (Taco Bell) with Drive-through Service Adjacent to Residential Property Located at 10736 Jefferson Avenue and Zoned C1 Retail Commercial

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-14-333 TO M & E, LLC, TO ALLOW THE OPERATION OF A RESTAURANT WITH DRIVE-THROUGH SERVICE ADJACENT TO RESIDENTIAL PROPERTY AT 10736 JEFFERSON AVENUE AND ZONED C1 RETAIL COMMERCIAL.

BACKGROUND:

- The proposed restaurant with drive-through service will redevelop the northeast corner of Jefferson Avenue and Ivy Farms Road.
- Due to its location adjacent to the entrance to the Ivy Farms neighborhood and residential property, a 30-foot buffer, augmented with an eight foot masonry wall is proposed.
- The restaurant with drive-through service is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and is compatible with the adjacent commercial uses.
- On June 4, 2014, the City Planning Commission voted 6:1 to recommend approval of the request with conditions to include increasing the wall height from six to eight feet and stipulating business operation hours of 7:00 a.m. to 3:00 a.m. Sunday through Thursday and 7:00 a.m. to 4:00 a.m. Friday and Saturday.

  Vote on Roll Call
  For: Austin, Jones, Mulvaney, Roberts, Simmons, Willis
  Against: Carpenter
  Abstention: None

- The City Manager recommends approval with conditions as presented by staff to include a six foot wall and business operation hours from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re CU-14-333 M&E LLC
Staff Report & CPC Mtg Minutes
sdm12638 CU-14-333 re M & E, LLC (10736 Jefferson Ave)

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conditional Use Permit No. CU-14-333, M & E, LLC.

M & E, LLC. is the owner and Verdad Real Estate is the applicant. The property is located at 10736 Jefferson Avenue and contains 0.53 acres. The request is for a conditional use permit to allow for the operation of a restaurant (Taco Bell) with drive-through service adjacent to residential property.

The property is currently occupied by a violin repair and retail shop. The existing building will be demolished and the property will be redeveloped, requiring conformance with all current zoning and site development regulations, including a 30-foot landscaped transitional buffer area adjacent to the single family neighborhood.

The existing use generates very little traffic or noise with limited hours of operation, 10:30 a.m. to 5:30 p.m., Monday through Friday. In contrast, the new use requests to operate Sunday through Thursday from 7:00 a.m. to 3:00 a.m. and Friday through Saturday from 7:00 a.m. to 4:00 a.m. Staff recommended limiting the hours of operation from 7:00 a.m. to 12:00 a.m. daily to mitigate the negative effect of late night/early morning activity on the adjacent neighborhood.

The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use designation of community commercial.

The Department of Planning recommended approval of the request with conditions.

On June 4, 2014, the City Planning Commission voted 6:1 to recommend approval of the request to City Council changing two of the original conditions, allowing the hours of operation to be the ones requested by the applicant and increasing the height of the wall at the rear of the property from six to eight feet. I concur with the Planning Commission's recommendations with the exception to the change pertaining to the hours of operation. I recommend limiting the hours of operation as follows: from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday.

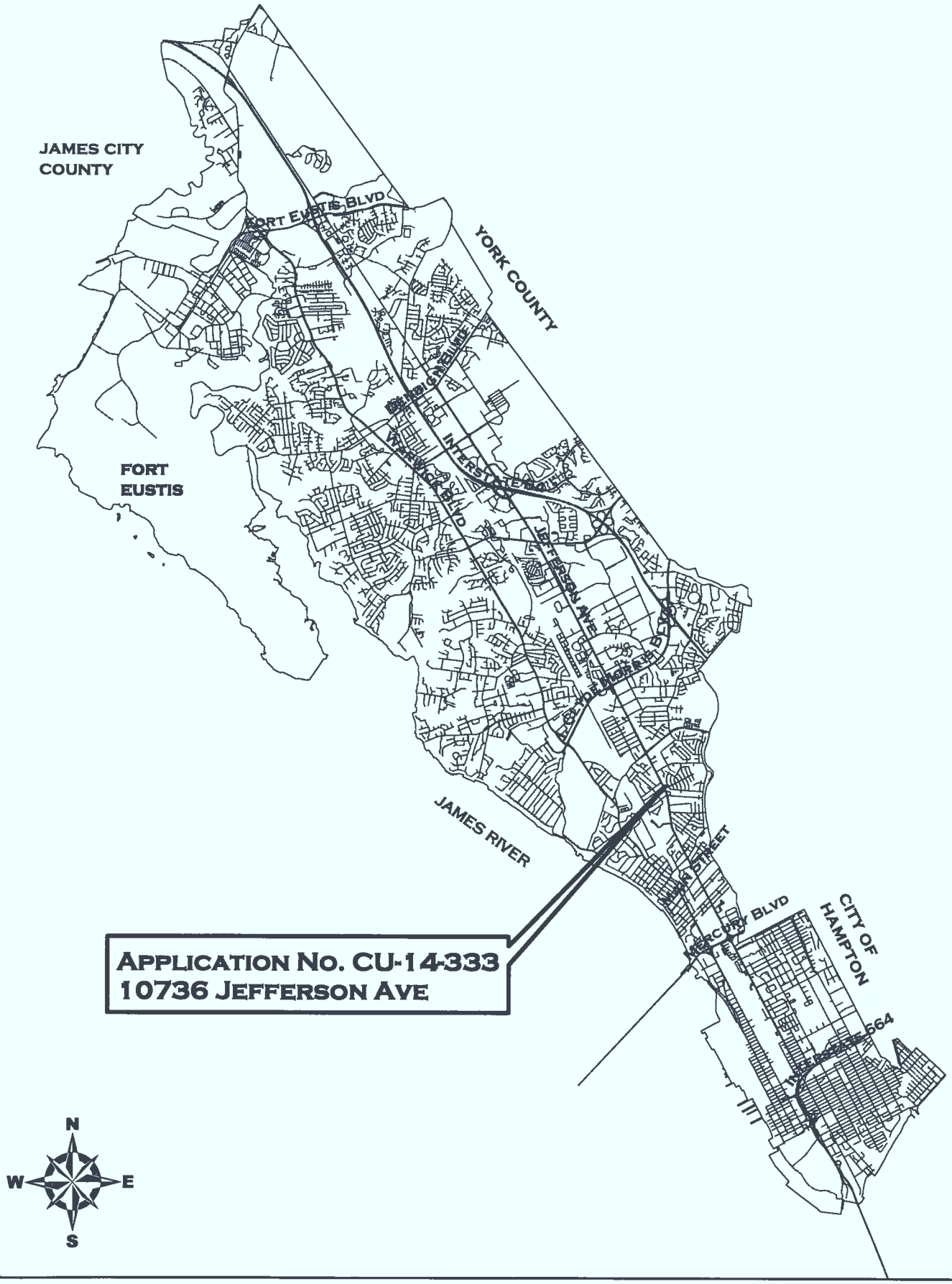
James M. Bourey

JMB:sgd

Attachment

CITY OF NEWPORT NEWS
CITY COUNCIL
JUNE 24, 2014

CONDITIONAL USE PERMIT
APPLICATION NO. CU-14-333
M & E LLC.



CONDITIONAL USE PERMIT NO. CU-14-333, M & E LLC.

APPLICANT/OWNER

M & E LLC is the owner of the property and Taco Bell is the applicant.

SITE DESCRIPTION

Location
10736 Jefferson Avenue

Acreage
The parcel contains 0.53 acres.

Existing Zoning
C1 Retail Commercial (See Appendix A-1.)

Framework for the Future 2030
Community Commercial (See Appendix A-5.)

Present Use
Violin repair and sales shop

Request
The applicant is requesting a conditional use permit to allow for the operation of a restaurant (Taco Bell) with drive through service adjacent to residential property.





FACTS

Vicinity
North, abutting the property is Mega Bass Electronics store on property zoned C1 Retail Commercial.

East, abutting the property are single family homes on property zoned R3 Single-Family Dwelling.

South, across Ivy Farms Road, is a Shell gas station and a vacant office building zoned C1 Retail Commercial.

West, across Jefferson Avenue is a vacant commercial building and a Discount Auto Tires store on properties zoned C1 Retail Commercial and C2 General Commercial respectively. (See Appendix A-1.)

Zoning History
The property has been zoned C1 Retail Commercial since the citywide comprehensive rezoning became effective August 1, 1997. Prior to that, the property was zoned C2A General Commercial.

Regulatory Review
The Zoning Ordinance permits restaurants with drive-through service upon the issuance of a conditional use permit when the property is adjacent to residential property.

The Zoning Ordinance requires a 30 foot transitional buffer area between commercial and single family zoning, which occurs on the property's eastern boundary. The submitted preliminary concept plan identifies a 30 foot landscaped transitional buffer area. A serpentine wall will be located within the buffer to further screen noises generated by the use. (See Appendix A-2.)

Minimum setback requirements for corner lots in the C1 Retail Commercial zoning district requires a 25 foot setback along both Jefferson Avenue and Ivy Farms Road frontages. The proposed building observes the setbacks.

The Site Regulations require an 11 foot landscape strip on Jefferson Avenue and a 10 foot landscape strip on Ivy Farms Road. Both strips are appropriately identified and landscaped on the submitted plan. (See Appendix A-2.)

The proposed restaurant will occupy a building of over 1,750 square feet in size. The required parking ratio is one parking space for each 100 square feet of floor area or 18 spaces. The submitted site plan identifies 20 parking spaces.

Although the Department of Engineering does not object to the request it was noted that a site plan is required for the proposed project. Further, the Department notes that in accordance with the submitted Traffic Impact Analysis (TIA) the applicant should

relocate the entrances onto Jefferson Avenue and Ivy Farms Road as far away from the intersection of Jefferson Avenue as feasible. The applicant shall also be responsible for the installation of pedestrian signal heads and push buttons for the two existing crosswalks at the intersection of Jefferson Avenue and Ivy Farms Road. (See Appendix A- 6.)

As shown in the submitted preliminary concept plan both entrances have been relocated as recommended in the TIA.

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

Comprehensive Plan Review

Land Use
The adopted *Framework for the Future 2030* comprehensive plan land use map recommends neighborhood commercial for the property. A restaurant is considered a commercial use that serves the neighborhood and is therefore consistent with that land use recommendation. (See Appendix A-5.)

The *Framework* also recommends the visual improvement of the city's corridors and encourages the reduction of visual blight on properties to be redeveloped. The property is located along a major corridor and at the entrance to a residential neighborhood. The proposed new look is consistent with these goals and is more compatible with the residential neighborhood to which it is adjacent.

ANALYSIS

The proposed property is located on the corner of Jefferson Avenue and Ivy Farms Road and is currently occupied by a violin repair and retail shop that operates in what was originally a fast food restaurant building. The applicant plans to the demolish the building and redevelop the site.

The conditional use permit is required to assure any negative impacts associated with the proposed use are minimized. Negative impacts associated with restaurants with drive-through service typically include noise, odor, trash and traffic. The existing use generates very little traffic and it observes limited hours of operation, 10:30 AM to 5:30 PM Monday through Friday. In contrast to the existing use, the applicant is requesting to operate Sunday through Thursday from 7:00 AM to 3:00 AM and Friday through Saturday from 7:00 AM to 4:00 AM. The requested hours of operation and the heavy use of the drive-through during the late hours are incompatible with the neighborhood and will adversely impact the adjacent single family homes.

The applicant's proposal includes a 30 foot buffer along the eastern boundary where the property abuts single family residential zoning, as well as the construction of a six foot tall masonry serpentine wall within the buffer providing extra screening from any

activities taking place in the parking lot. Although these items will minimize the impact of the noise during the time the neighbors are active, late night activity may create a nuisance for neighbors.

In order to further decrease the impacts of the drive-through on the adjacent neighborhood, a masonry dumpster enclosure is proposed. However, in addition, the container within the dumpster enclosure should be a closed container. Staff recommends the applicant contemplates the addition of technologies such as using an ozone device that will aid in neutralizing the trash odors. The staff of the restaurant will monitor the site daily for trash.

Taco Bell is changing the style of its restaurants, going with a more contemporary look that uses stone accents on a mainly stucco-like material. This new façade treatment is being proposed for this site. (See Appendix A-2.) In addition to the architectural changes to the building, other positive changes to the property include new landscaping strips along Jefferson Avenue and Ivy Farms Road. Additionally, the existing large pole sign will be replaced with an eight foot tall monument style sign. (See Appendix A-3.) Currently, the property has two access points each on Jefferson Avenue and Ivy Farms Road. The existing curb cuts will be replaced with one on each road frontage as far as possible from the intersection improving the traffic flow at the intersection. The drive-through speakers will be located north of the building and facing the adjacent commercial property.

Residential Compatibility
A single family residential neighborhood is located south of the site. The residential use that abuts the parking lot will be buffered by a 30 foot landscaped buffer area as well as a six foot masonry wall that will be constructed within the buffer. If the hours of operation are limited to no later than midnight, the use should have minimal adverse impact on the abutting residential neighborhood as currently designed.

In anticipation of their application for a conditional use permit, the applicant held a community informational meeting on March 17, 2014. The applicant reports that their proposal was generally well received by those present at the meeting. (See Appendix A-7.)

Ivy Farms Road is the entrance to the Ivy Farms neighborhood. The addition of the landscape strip with berms and heavy landscaping that includes shrubs and ornamental trees will help beautify the entrance while screening the drive lanes minimizing the visual impact of having the vehicular traffic so close to the street. The screening should also prevent the vehicle lights from shining on Jefferson Avenue's north bound traffic.

CONCLUSION

There has been a commercial use on this property prior to the development of the adjacent residential neighborhood. The proposed development will provide a 30 foot landscaped buffer that would minimize some of the nuisances that are associated with a

drive-through restaurant. It will introduce an architectural design that is more in keeping with the residential character of the neighborhood adjacent to the property. Further, the removal of the existing large pole sign and its replacement with an appropriately scaled monument sign and proposed landscape strip are consistent with the efforts to beautify the city's corridors.

The proposed restaurant with drive-through service is consistent with the adopted *Framework for the Future 2030* comprehensive plan land use map and is compatible with the adjacent commercial uses.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council approval of conditional use permit CU-14-333 to allow for the operation of a restaurant with drive-through service adjacent to residential property and located at 10736 Jefferson Avenue with the following conditions:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering; this site plan shall be in general conformance with the CUP Preliminary Concept Plan prepared by Blakeway Corp. dated April 17, 2014, found in Appendix A-2 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.

2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated May 5, 2014 prepared by Core States Group found in Appendix A-2 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

3. The applicant shall cause a thirty (30) foot transitional buffer area to be installed and maintained in perpetuity along the eastern property line where it abuts residentially zoned property.

4. The applicant shall construct a six (6) foot tall serpentine masonry wall within the transitional buffer. The applicant shall submit to the Department of Planning fence elevations and materials consistent with the drawings dated April 15, 2014 prepared by Blakeway Corp found in Appendix A-3 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The wall shall be constructed in substantial conformance with the approved elevations and materials.

5. The applicant shall install an eleven (11) foot landscape strip to be maintained in perpetuity along the property's Jefferson Avenue frontage. A ten (10) foot landscape strip shall be installed and maintained in perpetuity along the

property's Ivy Farms Road frontage. The landscape strips shall be planted in accordance with the Site Regulations.

6. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval, this plan shall be in general conformance with the CUP Landscape Plan prepared by Blakeway Corp. dated April 17, 2014, found in Appendix A-3 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.

7. 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.

8. The applicant shall remove the existing freestanding pole sign and may replace it with no more than one freestanding sign to be installed on the Property. The sign shall be a monument style not to exceed eight (8) feet in height, including the base, and the size limited to fifty (50) square feet. The sign shall be located within the Property. The freestanding sign shall be in substantial conformance with the sign identified in Appendix A-3. The design of the freestanding sign and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.

9. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.

10. The applicant shall submit the proposed elevations and exterior surface materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

11. The applicant shall screen all heating, ventilation, and air conditioning equipment from view from the public rights-of-way and adjacent properties in a manner reviewed and approved by the Director of Planning.

12. The hours of operation shall be no earlier than 7:00 AM and no later than 12:00 AM daily.

13. The exterior of the restaurant including the buffer area shall be patrolled by the operator at the close of business each day and all debris, litter and graffiti identified during this process must be removed immediately.

14. The applicant shall install pedestrian signal heads and push buttons for the two existing crosswalks at the intersection of Jefferson Avenue and Ivy Farms Road.

15. 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.

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

17. 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.

18. 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.

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

20. 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.

21. 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.

22. 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 June 4, 2014, the Planning Commission voted 6:1 to recommend approval of the conditional use permit to the City Council with the following conditions:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering; this site plan shall be in general conformance with the CUP Preliminary Concept Plan prepared by Blakeway Corp. dated April 17, 2014, found in Appendix A-2 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.

2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated May 5, 2014 prepared by Core States Group found in Appendix A-2 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

3. The applicant shall cause a thirty (30) foot transitional buffer area to be installed and maintained in perpetuity along the eastern property line where it abuts residentially zoned property.

4. The applicant shall construct an eight (8) foot tall serpentine masonry wall within the transitional buffer. The applicant shall submit to the Department of Planning fence elevations and materials consistent with the drawings dated April 15, 2014

prepared by Blakeway Corp found in Appendix A-3 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The wall shall be constructed in substantial conformance with the approved elevations and materials.

5. The applicant shall install an eleven (11) foot landscape strip to be maintained in perpetuity along the property's Jefferson Avenue frontage. A ten (10) foot landscape strip shall be installed and maintained in perpetuity along the property's Ivy Farms Road frontage. The landscape strips shall be planted in accordance with the Site Regulations.

6. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval, this plan shall be in general conformance with the CUP Landscape Plan prepared by Blakeway Corp. dated April 17, 2014, found in Appendix A-3 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.

7. 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.

8. The applicant shall remove the existing freestanding pole sign and may replace it with no more than one freestanding sign to be installed on the Property. The sign shall be a monument style not to exceed eight (8) feet in height, including the base, and the size limited to fifty (50) square feet. The sign shall be located within the Property. The freestanding sign shall be in substantial conformance with the sign identified in Appendix A-3. The design of the freestanding sign and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.

9. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.

10. The applicant shall submit the proposed elevations and exterior surface materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

11. The applicant shall screen all heating, ventilation, and air conditioning equipment from view from the public rights-of-way and adjacent properties in a manner reviewed and approved by the Director of Planning.

12. The hours of operation shall be no earlier than 7:00 AM and no later than 3:00 AM Sunday through Thursday and no earlier than 7:00 AM and no later than 4:00 AM on Friday and Saturday.

13. The exterior of the restaurant including the buffer area shall be patrolled by the operator at the close of business each day and all debris, litter and graffiti identified during this process must be removed immediately.

14. The applicant shall install pedestrian signal heads and push buttons for the two existing crosswalks at the intersection of Jefferson Avenue and Ivy Farms Road.

15. 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.

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

17. 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.

18. 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.

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

20. 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.

21. 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.

22. 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 AND ELEVATIONS

A-3 LANDSCAPE PLAN

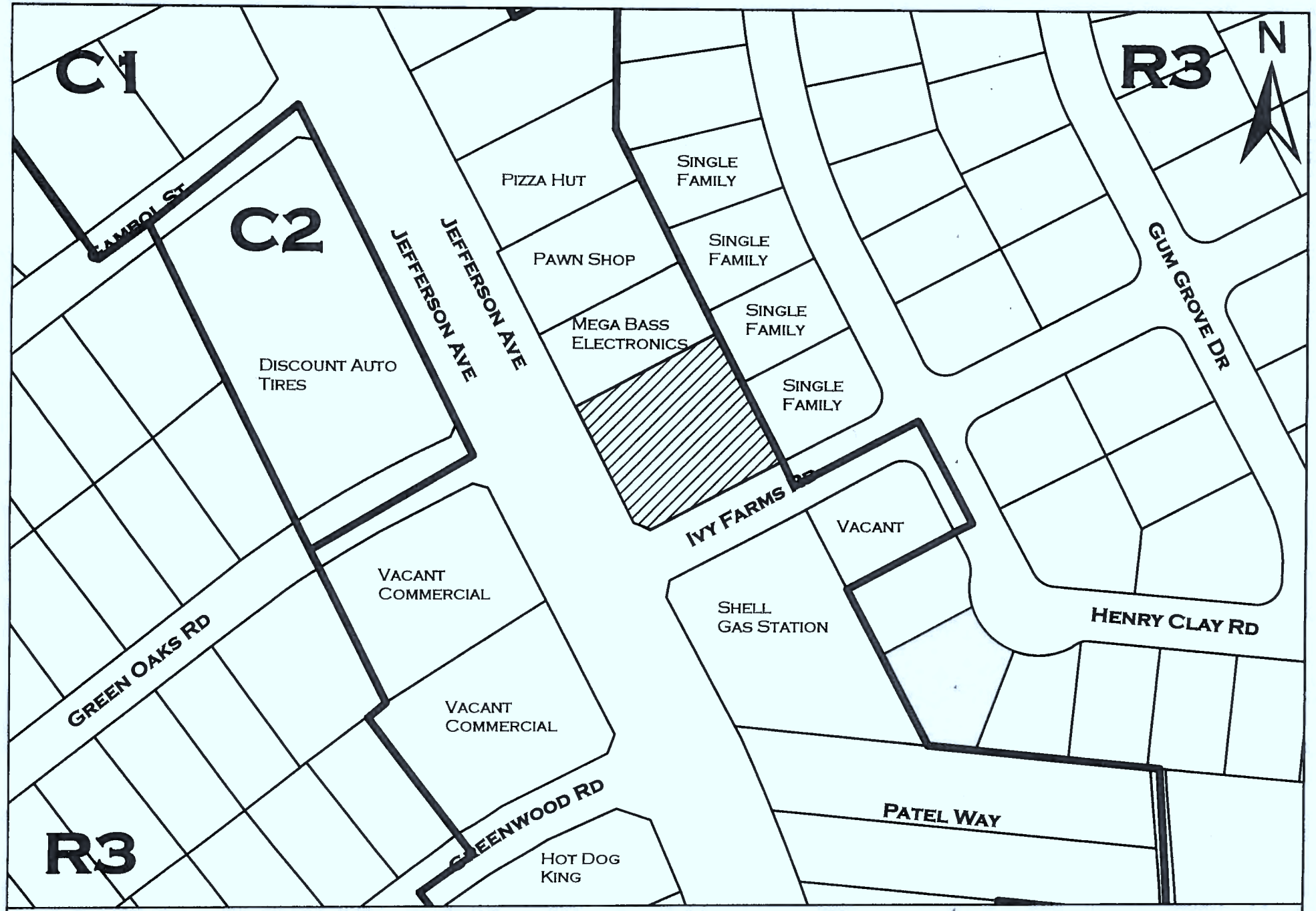
A-4 AERIAL MAP

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

A-6 DEPARTMENT OF ENGINEERING COMMENTS

A-7 NEIGHBORHOOD MEETING PACKET

A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF JUNE 4, 2014



M & E, LLC

CU-14-333

GENERAL NOTES

1. THE SITE IS DESIGNED IN ACCORDANCE WITH C-1 ZONING REQUIREMENTS OF THE CITY OF NEWPORT NEWS ZONING ORDINANCE.
2. THE PROPERTY INFORMATION WAS PROVIDED BY VERDAD REAL ESTATE INC. THE LOCATIONS OF EXISTING RIGHT-OF-WAY, EASEMENTS, AND ROADS ARE APPROXIMATE.
3. FOR THE PURPOSES OF THIS CONCEPT, IT IS ASSUMED THAT ALL STORMWATER MANAGEMENT REQUIREMENTS WILL BE MET BY REDUCING THE IMPERVIOUS AREA.
4. PER CONVERSATIONS WITH THE CITY OF NEWPORT NEWS, A CONDITIONAL USE PERMIT WILL BE REQUIRED IF A DRIVE THRU SPEAKER IS PROPOSED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.
5. THIS CONCEPT ALSO REQUIRES A REDUCTION OD THE REQUIRED 30' TRANSITIONAL BUFFER. A ZONING VARIANCE APPLICATION MUST BE SUBMITTED AND APPROVED BY THE BOARD OF ZONING APPEALS.

SITE ANALYSIS

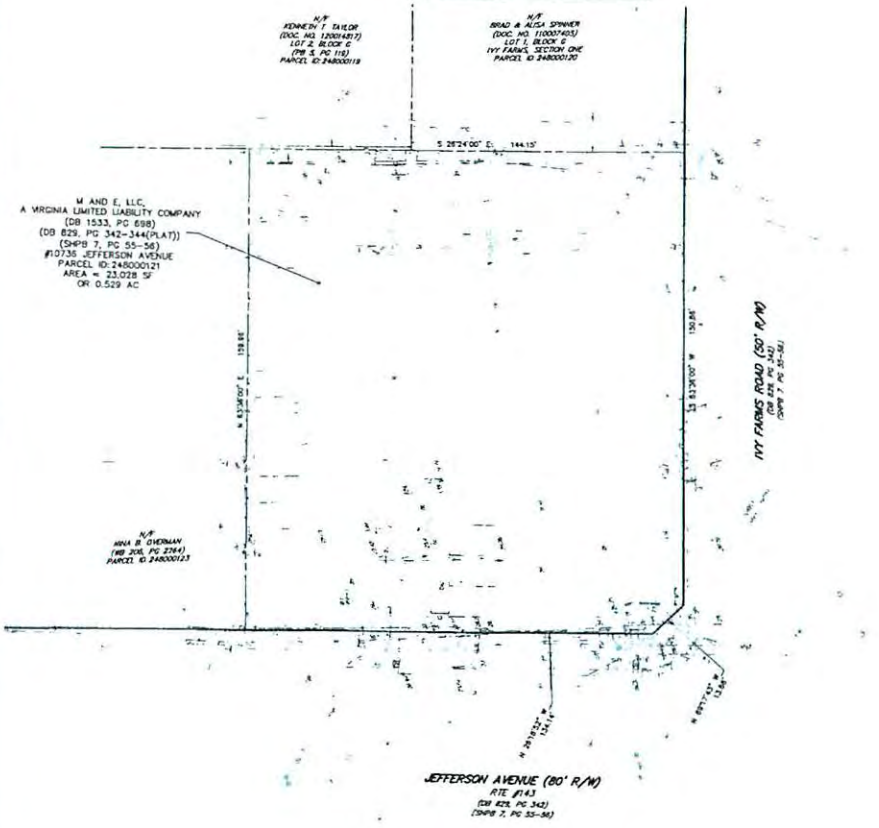
PROPOSE PARCEL AREA:	23,090.00± sf 0.53± ac.
ZONING:	C-1
PARKING:	
REQUIRED: (1 SPACE PER 100 SQFT OF GROSS FLOOR AREA)	18 SPACES
PROVIDED:	20 SPACES
BUILDING SETBACKS:	
FRONT:	25 FT
REAR:	12 FT
SIDE(R/W):	25 FT
SIDE:	5 FT
LANDSCAPE BUFFERS:	
FRONT:	11 FT
REAR:	30 FT TRANSITIONAL
SIDE(R/W):	10 FT
SIDE:	0 FT



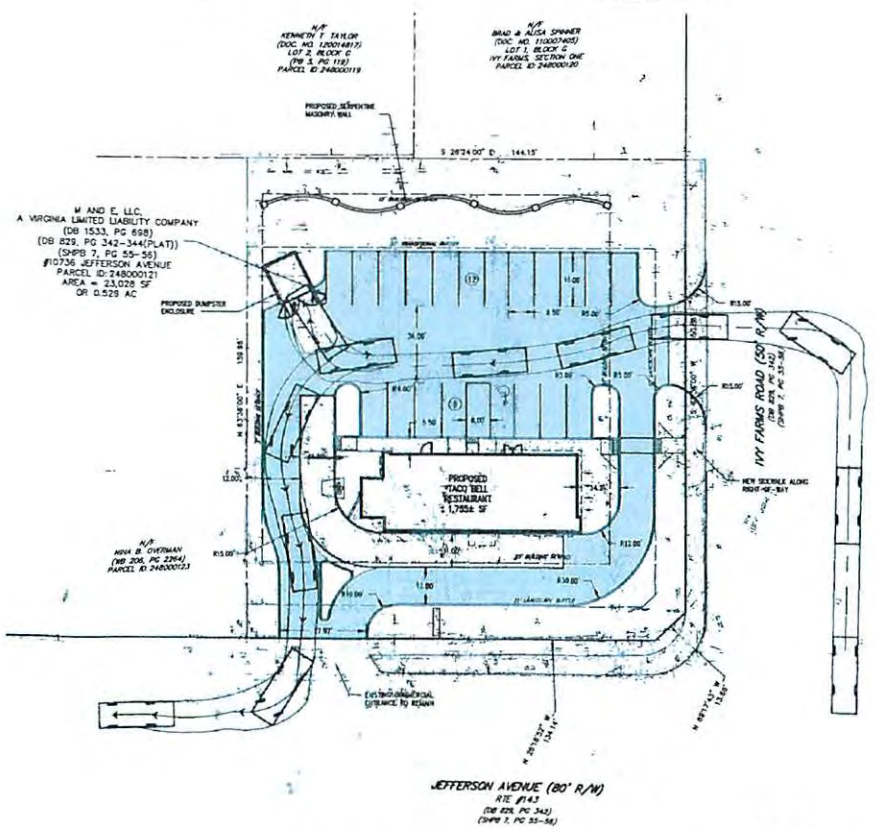
AERIAL MAP



VICINITY MAP



EXISTING CONDITIONS



CONCEPTUAL LANDSCAPE PLAN

GRAPHIC SCALE

20 10 0 20 40
scale feet

BlakewayCorp
civil engineering | project management
751 INDEPENDENCE CIRCLE, SUITE 208
VIRGINIA BEACH, VIRGINIA 23462
TEL 757.233.8181
FAX 757.233.8761

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		

DATE ISSUED: 04.15.24
DRAWN BY: GAF
REVIEWED BY: SMB
DESIGNED BY: SMB

LOCATION: JEFFERSON AVENUE
SHEET TITLE: PRELIMINARY CUP CONCEPT
PROJECT #
SITE ADDRESS: 10736 Jefferson Avenue, Newport News, VA

SHEET NO.: CUP
CONCEPT PLAN

NOTES:

1. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. CSA-13-2705-VA-KP AND DATED FEBRUARY 7, 2014.

2. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

   THIS PROPERTY APPEARS TO FALL IN
   FLOOD ZONES: C
   COMMUNITY NO.: 510103A
   PANEL: 144-H DATED: MAY 2, 1977

   FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

3. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NONEXISTENCE OF WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES OR ANY UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.

4. AS PER CITY OF NEWPORT NEWS ZONING DEPARTMENT, THIS SITE IS ZONED C1 (RETAIL COMMERCIAL). SETBACK REQUIREMENTS AS PER ZONING ORDINANCE:

FRONT	25 FEET
REAR	12 FEET
SIDE	5 FEET
SIDE (ALONG STREET)	25 FEET

   MAXIMUM BUILDING HEIGHT IS 40 FEET
   (BUILDINGS MAY BE HIGHER THAN 40 FEET PROVIDED THE BUILDING SETBACKS ARE INCREASED 1 FOOT FOR EACH FOOT OF ADDITIONAL HEIGHT ABOVE 40 FEET)

5. EXISTING PARKING:

EXISTING PAINTED SPACES	=	24 SPACES
EXISTING HC SPACES	=	1 SPACES
TOTAL SPACES	=	25 SPACES

6. NORTH MERIDIAN SHOWN HEREON IS BASED ON DEED BOOK 1533, PAGE 698.

7. ELEVATIONS SHOWN HEREON BASED ON NAVD88 AND WERE ESTABLISHED FROM CITY OF NEWPORT NEWS, VIRGINIA VERTICAL CONTROL DISK #850, ELEVATION=30.28.

8. LOCATION OF UNDERGROUND NON-GRAVITY UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE INDICATIONS OF SUBTERRANEAN USE AND PAINT MARKINGS FIELD LOCATED BY MSA, PC AS PAINTED BY MISS UTILITY, LOCATION/DIG TICKET NUMBER A4080400438. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES.

9. THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF, JEFFREY J. WERRETHER, L.S. (LIC. NO. 2306) FROM AN ACTUAL GROUND/AIRBORNE SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON MARCH 28, 2014; AND THAT THIS PLAT, MAP OF DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

SCHEDULE B – SECTION II EXCEPTIONS:

1. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF, IF ANY OBSERVED AT TIME OF SURVEY, THEN SHOWN ON SURVEY.
2. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY PUBLIC RECORDS. THE COVERAGE AFFORDED BY COVERED MATTER 2(C) IS HEREBY DELETED. IF ANY OBSERVED AT TIME OF SURVEY, THEN SHOWN ON SURVEY.
3. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICE, LABOR OR MATERIAL THERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. NOT A SURVEY ITEM.
4. ROADS, WAYS, STREAMS OR EASEMENTS, IF ANY, NOT SHOWN OF RECORD, RIPARIAN RIGHTS AND THE TITLE TO ANY FILLED-IN LANDS. IF ANY OBSERVED AT TIME OF SURVEY, THEN SHOWN ON SURVEY. RIPARIAN RIGHTS AND TITLE TO ANY FILLED-IN LANDS NOT PLOTTABLE.
5. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES OF RECORD FOR VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. NOT A SURVEY ITEM.
6. COVENANTS SET FORTH ON DEED AT BOOK 1533, PAGE 698. COVENANTS NOT PLOTTABLE.
7. EASEMENT ALONG THE NORTHEAST BOUNDARY AS SHOWN ON "PLAT OF THE PROPERTY OF DONLEE INCORPORATED..." DATED JANUARY 30, 1973. A COPY OF WHICH SAID PLAT IS RECORDED AS AN ATTACHMENT TO THE DEED AT BOOK 829, PAGE 342. SHOWN ON SURVEY.
8. SANITARY SEWER EASEMENT AND RIGHT OF WAY GRANTED TO THE CITY OF WARWICK, VIRGINIA, DATED JANUARY 17, 1957 AND RECORDED JANUARY 18, 1957 IN BOOK 82, PAGE 210. 10' SANITARY SEWER EASEMENT ABSORBED INTO RIGHT-OF-WAY TAKE (DB 1038, PG 481)(DWRR 7, PG 55-56).
9. PERMANENT EASEMENT FOR DRAIN INLET DITCH REFERENCED ON DEED RECORDED ON FEBRUARY 23, 1981 IN BOOK 1038, PAGE 461. SHOWN ON SURVEY.
10. INTENTIONALLY OMITTED.

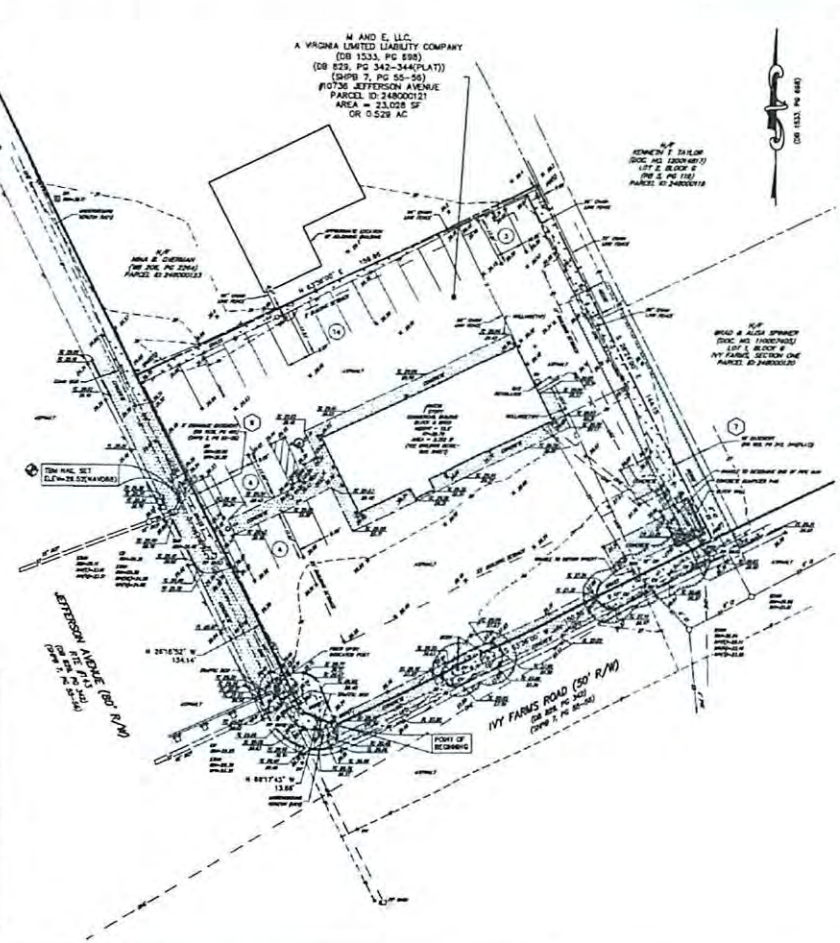
LEGEND

SYMBOL/ABBREVIATION	DESCRIPTION		
	MANHOLE		SANITARY SEWER
	SANITARY CLEANOUT		WATER
	VALVE		ELECTRIC & TELEPHONE LINE
	WATER METER		TRAFFIC BOX
	FIRE HYDRANT		SIGN
	WELL		MAIL BOX
	DROP INLET		TREE
	CURB INLET		BUSH/HEDGE
	GAS METER		PAVEMENT
	POWER POLE		CONCRETE
	LIGHT POLE		TEMPORARY BENCHMARK(TBM)
	LIGHT POLE /CONCRETE BASE		ELEVATIONS
	TRAFFIC LIGHT POLE		TOP OF CURB ELEVATIONS
	PEDESTAL		IRON PIN FOUND – PIN(F)
	CURB AND GUTTER		IRON PIN SET – PIN(S)
	FENCE		MONUMENT FOUND – MON(F)
	PROPERTY LINE		MONUMENT SET – MON(S)
	BUILDINGS		NUMBER OF PARKING SPACES
	STORM SEWER		SCHEDULE B, EXCEPTION

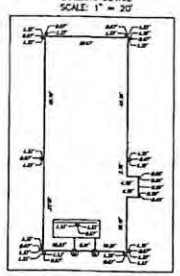


LOCATION MAP – SCALE: 1" = 2,000'

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Permitted Use No. 21001204



BUILDING DETAIL
SCALE: 1" = 20'



FB:620, PG 70-72

LEGAL DESCRIPTION: (AS PER TITLE REPORT)

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF NEWPORT NEWS, VIRGINIA, CONTAINING 0.5763 ACRES OF LAND, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A PIPE LOCATED IN THE EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143), THE SAID PIPE MARKS THE SOUTHERLY CORNER OF THE PROPERTY NOW OR FORMERLY OF GUNTER OIL CORPORATION AND THE WESTERLY CORNER OF THE PROPERTY HEREIN CONVEYED, SAID PIPE LYING WEST 28 DEGREES 24' WEST A DISTANCE OF 118.15' FROM A LEAD PLUG SET IN CONCRETE AND LYING IN SAID EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143) WHICH SAID PLUG MARKS THE NORTHERLY EXTENT OF A RADIUS AT THE INTERSECTION OF THE NORTHERLY LINE OF IVY FARMS ROAD WITH THE SAID EASTERN LINE OF JEFFERSON AVENUE (ROUTE NO. 143); AND FROM THE POINT OF BEGINNING THUS ESTABLISHED RUNNING THENCE NORTH 63 DEGREES 36' EAST ALONG THE SOUTHERLY LINE OF GUNTER OIL CORPORATION A DISTANCE OF 175.08' TO A PIPE; THENCE SOUTH 26 DEGREES 24' EAST A DISTANCE OF 144.15' TO A IRON PIN LYING IN THE NORTHERLY LINE OF IVY FARMS ROAD; THENCE ALONG SAID NORTHERLY LINE OF IVY FARMS ROAD SOUTH 63 DEGREES 36' WEST A DISTANCE OF 130.08' TO A LEAD PLUG SET IN CONCRETE; THENCE ALONG A 25 FEET RADIUS AT THE INTERSECTION OF THE NORTHERLY LINE OF IVY FARMS ROAD WITH THE EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143) TO A LEAD PLUG SET IN CONCRETE; THENCE NORTH 26 DEGREES 24' WEST ALONG SAID EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143) A DISTANCE OF 118.15' TO THE PIPE MARKING THE POINT OF PLACE OF BEGINNING.

ALL AS SET FORTH ON THAT CERTAIN PLAT ENTITLED, "PLAT OF THE PROPERTY OF DONLEE, INCORPORATED, PARCEL OF LAND CONTAINING 0.5763 ACRES, CITY OF NEWPORT NEWS, VIRGINIA," DATED JANUARY 30, 1973, AND MADE BY E. J. KELLER, CERTIFIED LAND SURVEYOR, A COPY OF WHICH SAID PLAT IS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS, VIRGINIA, IN DEED BOOK 829, PAGE 344.

LESS AND EXCEPTING THEREFROM, HOWEVER, THAT CERTAIN PARCEL OF LAND CONTAINING 2,057 SQUARE FEET, MORE OR LESS, CONVEYED TO THE COMMONWEALTH OF VIRGINIA BY INSTRUMENT RECORDED IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 1038, PAGE 461.

METES & BOUNDS DESCRIPTION: (PARCEL ID 248000121)

BEGINNING AT A MONUMENT FOUND ON THE NORTHERN RIGHT-OF-WAY LINE OF IVY FARMS ROAD AT THE NORTHEAST INTERSECTION OF JEFFERSON AVENUE AND IVY FARMS ROAD AND BEING ON THE SOUTHERN CORNER OF PARCEL ID 248000121 (SUBJECT PROPERTY), SAID MONUMENT FOUND BEING THE POINT OF BEGINNING; THENCE DEPARTING THE POINT OF BEGINNING ALONG THE NORTHERN RIGHT-OF-WAY LINE OF IVY FARMS ROAD N 68°17'43" W, A DISTANCE OF 13.68 FEET TO A MONUMENT FOUND ON THE EASTERN RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE OF JEFFERSON AVENUE N 26°16'32" W, A DISTANCE OF 134.14' FEET TO A SPIKE SET; THENCE DEPARTING THE EASTERN RIGHT-OF-WAY LINE OF JEFFERSON AVE ALONG THE COMMON PROPERTY LINE OF PARCEL ID 248000133 AND THE SUBJECT PROPERTY N 63°36'00" E, A DISTANCE OF 158.96 FEET TO A PIN SET ON THE NORTHERN CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE COMMON PROPERTY LINE OF PARCEL ID 248000118 & PARCEL ID 248000120 AND THE SUBJECT PROPERTY S 26°24'00" E, A DISTANCE OF 144.15 FEET TO A PIN FOUND ON THE NORTHERN RIGHT-OF-WAY LINE OF IVY FARMS ROAD; THENCE ALONG THE NORTHERN RIGHT OF WAY LINE OF IVY FARMS ROAD S 63°36'00" W, A DISTANCE OF 130.08 FEET TO A MONUMENT FOUND, SAID MONUMENT FOUND BEING THE POINT OF BEGINNING AND CONTAINING 23,028 SQUARE FEET OR 0.529 ACRES.

SURVEYOR'S CERTIFICATION

TO FIRST AMERICAN TITLE INSURANCE COMPANY AND M AND E, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(b), 7a, 7b1, 7c, 8, 9, 11A, 11(b), 13, 14, 16, 17, 18, 20A AND 22 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 28, 2014.

DATE OF PLAT OR MAP: 3-31-14

JEFFREY J. WERRETHER, L.S. 2306

COMMONWEALTH OF VIRGINIA
JEFFREY J. WERRETHER
Lic. No. 2306
3-31-14
LAND SURVEYOR

GRAPHIC SCALE:
20 0 20 40
1" = 20'

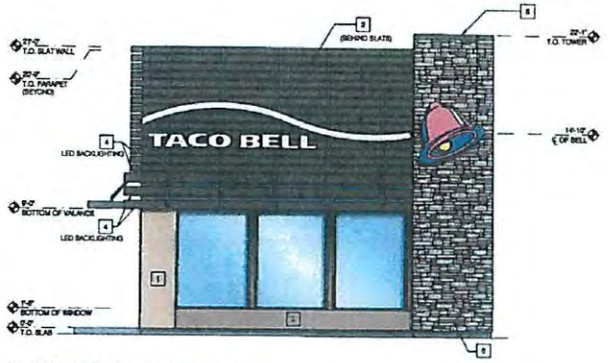
MSA, P.C.
Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5031 Knee Drive, Virginia Beach, VA 23462
757-490-9284 (Tel) 757-490-6434 (Fax)
www.msadesign.com

DESIGNED MSS
DRAWN JJV
CHECKED JJW
APPROVED JJW
DATE 3-31-14

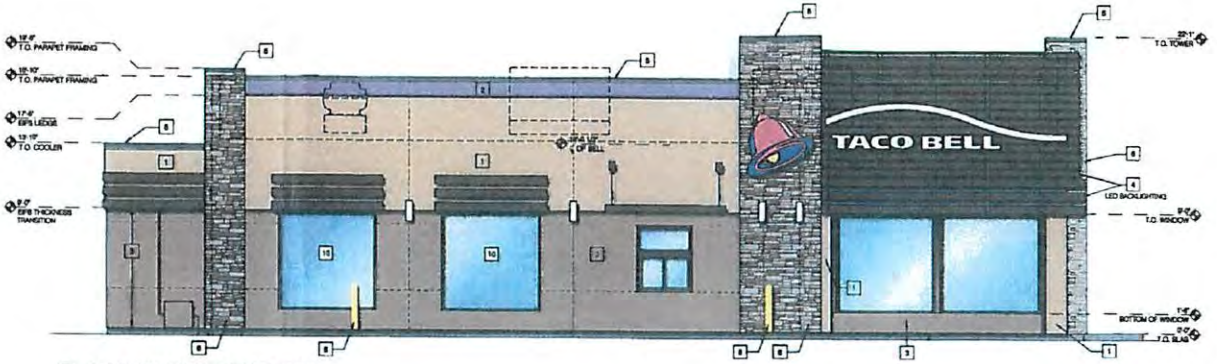
ALTA/ACSM LAND TITLE SURVEY
OF
TACO BELL CT #304
#10736 JEFFERSON AVENUE
PARCEL ID: 248000121
NEWPORT NEWS VIRGINIA

SHEET 1
1 of 1 Sheets
SCALE: 1"=20'
PROJ NO. 13211A

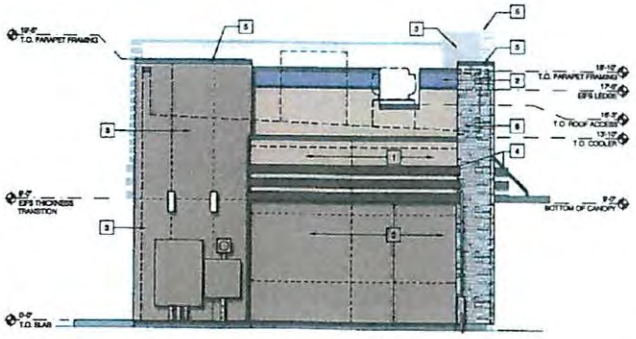
SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR.	ALTERNATE COLOR
1	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 6122 "CAMEL BACK"	LOTUSAN	NA08-0011
2	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6531 "CLEMATIS"		
3	ACCENT COLOR	SHERWIN WILLIAMS	SW 2823 "ROOKWOOD CLAY"	LOTUSAN	NA08-0010
4	SLAT WALL AND VALANCE COLOR	VENDOR	SW 7034 "STATUS BRONZE" (EQUAL)		
5	PARAPET CAP COLOR	DUROLAST	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7069 "IRON ORE"
6	STONE WALL	BORAL - VERSA STONE	TIGHT CUT - " PLUM CREEK"	OWENS CORNING	IDAHO DRY STACK, CARMEL MOUNTAIN CULTURED STONE VENEER
7	STOREFRONT WINDOWS	TBD	" DARK BRONZE"		
8	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (USLPOSTMAN.COM) OR EQUAL		
9	PARAPET BACK ROOFING	DUROLAST	THE COLOR SHALL BE FACTORY COLORED "TAN." EQUAL ALTERNATE ALLOWED.		
10	SPANDREL GLASS				



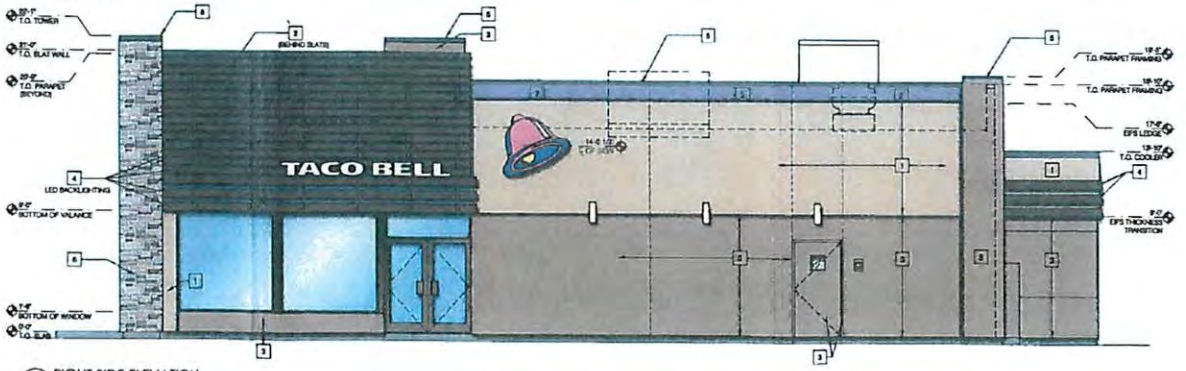
1 IVY FARMS ROAD (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



2 JEFFERSON AVE (LEFT SIDE) ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



4 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

5/5/2014

TACO BELL

TACO BELL
RESTAURANT
10736 JEFFERSON AVENUE
NEWPORT NEWS, VA 23601

CORE STATES GROUP

NEWPORT NEWS LANDSCAPE ORDINANCE REQUIREMENTS

Site Plan Name =	Taco Bell		
Site Plan Address =	Jefferson Ave & Ivy Farms Rd		
If double frontage lot, enter "1"	1	If modifying developed site, enter "1"	
Total area of the site =	23,030	Area of the site to be developed (sq ft.) =	23,030

Final Data Output Area (required)		Information Shown on Site Plan (provided)	
Green area =	2,307	Green area =	8,005
Green area forward of front building line =	1,237	Green area forward of front building line =	3,100
Green area forward of side building =	345	Green area forward of side building =	2,651
Green area forward of rear of largest building =	NA	Green area forward of rear of largest building =	NA
Total # of trees =	6	Total # of trees =	50
Minimum # evergreen trees =	2	# of existing trees to remain =	0
Maximum # evergreen trees =	4	# evergreen trees =	11
# trees forward of front building line =	3	# trees forward of front building line =	4
# trees forward of side building =	1	# trees forward of side building =	12
Total # of shrubs =	12	Total # of shrubs =	117
Minimum # of deciduous shrubs =	8		
Maximum # of deciduous shrubs =	12	# of deciduous shrubs =	8
# of shrubs forward of front building line =	6	# of shrubs forward of front building line =	45
# of shrubs forward of side building =	2	# of shrubs forward of side building =	59

* CBPAD buffer existing trees: 720 (spec.) + Central area existing trees: 178 + Trans Bional buffer existing trees: 34 + Proposed trees: 187 = 1,149+ trees. Please note that there are many more areas on site in which trees will be saved, etc., the areas are n

TRANSITIONAL BUFFER

PROPERTY LINE ABUTTING R4 ZONING

144 x 30' = 4320 sq. ft. required

4320 / 400 = 10.8

	required	provided
TREES (2400 sq. ft.)	22	22
SHRUBS (2400 sq. ft.)	22	22

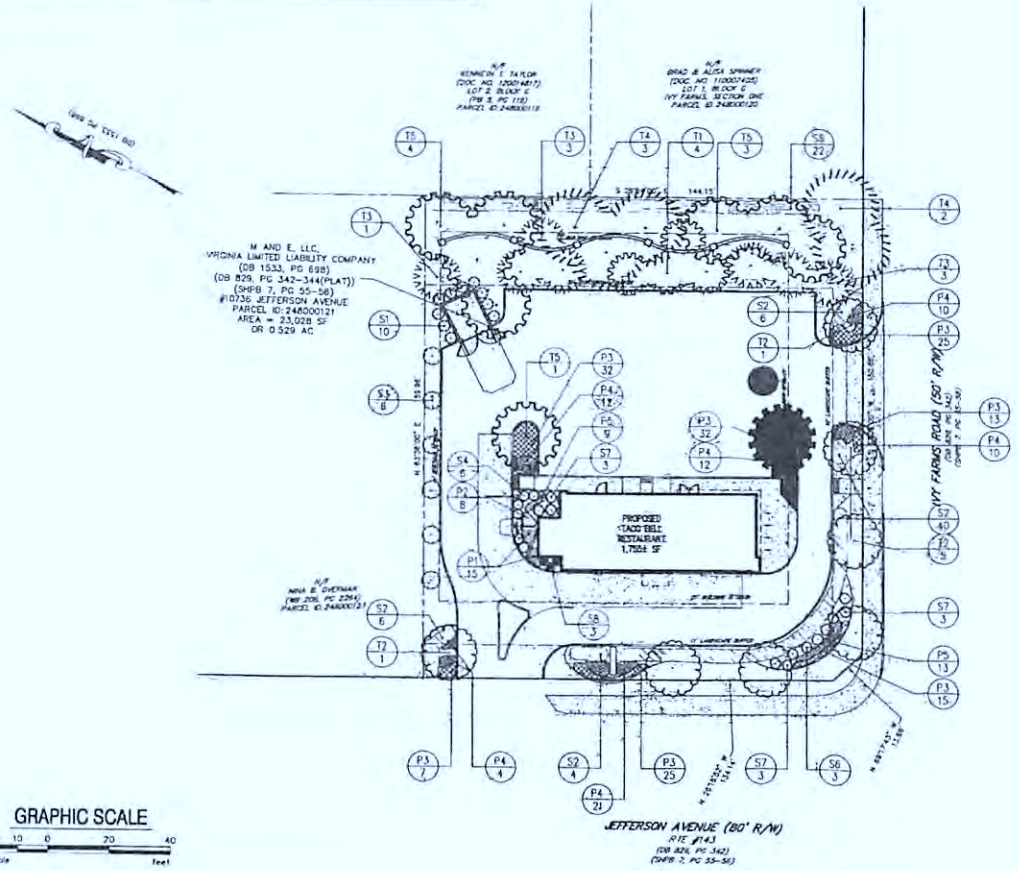
NEWPORT NEWS GENERAL LANDSCAPE NOTES

- WITHIN LANDSCAPING AND GREEN AREAS, HEALTHY TREES OF A MINIMUM 8" DIAMETER AT BREAST HEIGHT, MEASURED AT LEAST 4.5' ABOVE GRADE FOR SINGLE-STEMMED, DECIDUOUS TREES, AND A MINIMUM OF 8' IN HEIGHT FOR MULTI-STEMMED OR EVERGREEN TREES, SHALL BE RETAINED, P
- THE PROPERTY OWNER OR DEVELOPER, AS APPLICABLE, SHALL BE RESPONSIBLE FOR THE PERPETUATION AND MAINTENANCE OF ALL SITE IMPROVEMENT & INCLUDING LANDSCAPING, REQUIRED BY CHAPTER 33.02 SITE REGULATIONS AND AS SHOWN ON THE APPROVED PLAN.
- ALL EXISTING TREES TO REMAIN, LOCATED WITHIN 50' OF THE LIMITS OF CONSTRUCTION MUST BE PROTECTED IN ACCORDANCE WITH SECTION 33.02-61(b)(1)(a) SITE REGULATIONS ORDINANCE OF THE CITY OF NEWPORT NEWS, VIRGINIA.
- PRIOR TO THE INSTALLATION OF THE LANDSCAPING MATERIALS, AN INSPECTION WITH THE DEPARTMENT OF ENGINEERING INSPECTOR IS REQUIRED. PLEASE CONTACT MARK LINKENHOKER OF CONSTRUCTION INSPECTION AT 298-2400.

PLANT KEY

KEY	QTY.	BOTANICAL NAME / COMMON NAME	MINIMUM SIZE	NOTES
T1	4	*Ilex x attenuata* 'East Palatka' EAST PALATKA HOLLY	8 - 10' HT.	FULL
T2	7	*Lagerstroemia* 'Regal Red' REGAL RED CRAPE MYRTLE	8 - 10' HT.	MATCHING SPECIMEN
T3	7	*Magnolia grandiflora* 'Little Gem' LITTLE GEM MAGNOLIA	2 - 2 1/2" CAL. 8 - 10' HT.	FULL
T4	8	*Quercus rubra* RED OAK	2 - 2 1/2" CAL. 8 - 10' HT.	SINGLE LEADER
T5	9	*Ulmus parvifolia* LACEBARK ELM	2 - 2 1/2" CAL. 8 - 10' HT.	SINGLE LEADER
S1	10	*Cleyera japonica* JAPANESE CLEYERA	24 - 36" HT."	4' O.C.
S2	66	*Ilex vomitoria* 'Nana' DWARF YAUPON HOLLY	18 - 24" SPRD."	3' O.C.
S3	6	*Juniperus chinensis* 'Torulosa' HOLLYWOOD JUNIPER	6 - 8' HT. "	SPECIMEN
S4	6	*Juniperus horizontalis* 'Wiltoni' BLUE RUG JUNIPER	18 - 18" SPRD."	4' O.C.
S5	22	*Myrica cerifera* WAX MYRTLE	4 - 6' HT."	FULL 6' O.C.
S6	3	*Nerium oleander* (red) RED FLOWERING OLEANDER	24 - 36" HT."	4' O.C.
S7	9	*Spiraea japonica* 'Little Princess' LITTLE PRINCESS SPIREA	18 - 24" SPRD."	4' O.C.
S8	3	*Yucca filamentosa* ADAM'S NEEDLE	3 GALLON	30" O.C.
P1	15	*Delosperma nubigenum* YELLOW ICE PLANT	1 GAL.	18" O.C.
P2	8	*Dianthus gratianopolitanus* 'Bath's Pink' BATH'S PINK DIANTHUS	1 GAL.	18" O.C.
P3	149	*Liriope muscari* 'Variegata' VARIEGATED LIRIOPE	1 GAL. MIN. 6 BIBS	18" O.C.
P4	69	*Verbena canadensis* 'Homestead Purple' HOMESTEAD PURPLE VERBENA	1 GAL.	18" O.C.
P5	23	*Veronica* 'Sunny Border Blue' SUNNY BORDER BLUE VERONICA	1 GAL.	18" O.C.

* NOTE: ALL SHRUBS MINIMUM 3 GALLON.



GRAPHIC SCALE

20 10 0 20 40

scale feet

LANDSCAPE INSTALLATION NOTES

1. The Contractor is required to contact "Miss Utilities" (phone 1-800-552-7001) 48 hours prior to the commencement of work on site. No work is to begin until all utilities are marked. If utility locations are not clear, please contact Landscape Designer.
2. Verification of the accuracy of the total quantities shown in the "Plant Key" shall be the responsibility of the Contractor. In the event of discrepancy, the planting plan shall govern.
3. All plants shall be nursery grown, well-branched, free of insect infestation, injury, disease or other defects. Plants are to conform to standards set by American Standard for Nursery Stock and shall meet or exceed measurements specified in this plant key.
4. The Contractor shall warrant all new plantings for a period of one year from the date of final acceptance. All replacement plants shall conform to original specifications. When planting operations must be performed outside the normal planting season for the locality, this warranty may be renegotiated with the owner prior to planting.
5. Planting and bed preparation are to be conducted under favorable weather conditions. Under no circumstances shall soil be worked, driven over, or molded upon while in a wet condition.
6. The contractor is responsible for reporting to the owner any conditions deleterious to plant growth encountered on site during installation and warranty periods.
7. All plant varieties and layouts are to conform accurately to the landscape plan, subject to inspection. Groundcovers and perennials are to be planted in a staggered arrangement and not in rows.
8. Prior to mulching, install water-permeable weed block. Note according to accepted horticultural practices on all mulched bed areas.
9. All landscape beds are to be edged with a continuous metal edger, painted dark green. Between planting beds and lawn or gravel areas. Plastic edging material is not permitted.
10. All plantings are to be prioritized with a 3" depth of shredded hardwood bark mulch (3" depth in groundcover areas). Mulch to backfill where shown. Hedges are to be mulched as continuous beds of the width shown as plan. Weeds are not to be mulched individually. Trees shall be mulched within a minimum two and one half (2 1/2) foot radius of each trunk. Remulch existing plantings. No mulch is to be placed in plant crowns or against tree trunks.
11. Remove burlap and wire from the top 1/3 of all B&B root balls. No plastic twine or burlap shall be permitted on B&B plants.
12. Stake trees as follows: A. All trees 2" caliper and greater and B. All evergreens branched to ground (i.e. Leyland Cypress, etc.) Contractor is required to UNSTAKE TREES in a timely manner within the year following final acceptance to ensure trees are not damaged by staking wire.
13. Do not snap tree trunks. Do not use "tree wound paint".
14. All grass areas not designated otherwise are to be sodded with turfgrass. See sod notes for details.
15. Contractor is responsible for watering and insect control until the date of final inspection. Replanting, when resulting from site disturbance by others, shall be at additional charge.
16. The work area is to be kept reasonably neat and clean and all debris hauled away and disposed of legally, off site, in a timely manner.
17. If any conflict should arise between these specifications and those of local specifications for this project, the local specifications shall govern.
18. Any plant substitutions proposed require the approval of the Landscape Designer and the City of Newport News.

SOD NOTES

1. All grass areas not designated otherwise are to be sodded with turfgrass.
2. The areas of sod need shall be Virginia Approved Sod suitable for multi-use turf areas as specified by The U. S. Department of Agriculture for Sod Conservation.
3. Approved sod of Fescue grass shall be used. Fescues varieties of Titan 2, Falcon II, Silverado(II), or Southern Belle blends will be accepted. The sod shall be inspected and re-cutted to assure overall high quality and freedom from noxious weeds as well as excessive amounts of other crop and weedy plants at the time of harvest. The sod shall be machine cut at a uniform soil thickness of one inch. Measurement of thickness shall exclude top growth and thatch. Sod shall be cut and placed only when soil moisture conditions are such that favorable results can be expected.
4. Sod shall be harvested and installed within a period of twenty-four (24) hours. Sod shall be tightly rolled during transport and storage. Sod shall be kept moist at all times and shall be protected from exposure to the air and sun. Sod that has been damaged by poor handling or improper storage shall not be accepted.
5. Perform turf work only after landscape planting and other ground-disturbing work has been completed.
6. Fertilizer shall have an analysis of 12-25-12 and be of uniform composition, free flowing and suitable for application with approved equipment.
7. Fertilizer shall be broadcast uniformly at the rate determined by soil testing recommendations, and shall be worked into the top three inches of soil by tilling.
8. Areas to be sodded shall be provided with a minimum depth of 4 inches of topsoil. They shall be tilled to a minimum depth of three inches, raked to ensure a proper grade and positive drainage, rolled in two directions perpendicular to each other with a light roller, and finely raked.
9. Sod shall be laid smoothly, edge to edge, and with staggered joints. Sod shall be pressed immediately less than normal with the soil by tamping or rolling with equipment so as to eliminate all air pockets, provide a true and even surface, and ensure knitting without displacement of the sod or deterioration of the surfaces of the sod areas. Care shall be exercised to ensure that the sod is not stretched or overlapped and that all joints are butted tightly.
10. During seeding operations the work area is to be kept reasonably neat and clean and all debris and surplus materials shall be hauled away and disposed of legally, off site, in a timely manner.
11. The Contractor shall water sod immediately after installation and as necessary during the maintenance period to ensure associated moisture to allow rapid establishment.
12. For sodded areas, a warranty period of ninety (90) days is required after a Substantial Completion notice has been issued.
13. The warrantee is responsible for watering and mowing until the date the Substantial Completion notice is issued. He or she shall provide, at no additional charge to the client, appropriate equipment for irrigation and mowing. Replanting, when resulting from site disturbances by others, shall be at additional charge.
14. The first mowing shall not be allowed until the sod is firmly rooted, secured in place, and grass height has reached 3 1/2 inches.

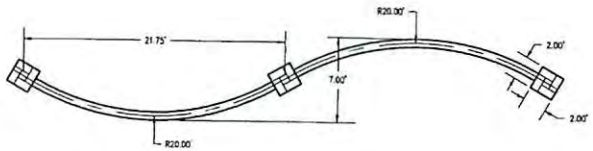
BlakewayCorp
landscape | engineering | project management
TIDEWATER OFFICE
VIRGINIA BEACH, VIRGINIA 23462
PH. 757.518.8781

NO.	DESCRIPTION	DATE

DATE ISSUED: 04-17-14
DRAWN BY: GAF
REVIEWED BY: SMB
CHECKED BY: SMB

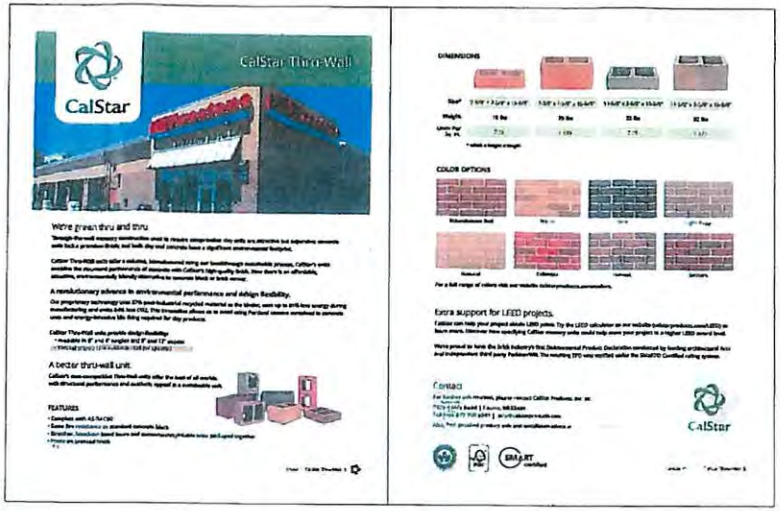
LOCATION: JEFFERSON AVENUE
SHEET TITLE: CUP LANDSCAPE PLAN
SITE ADDRESS: 10736 Jefferson Avenue Newport News, VA
PROJECT #

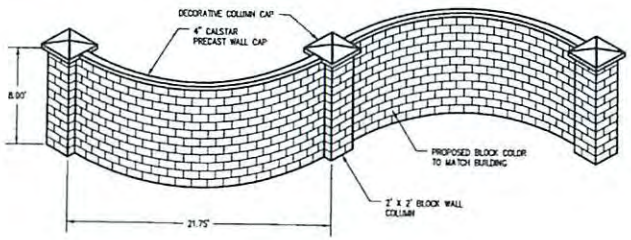
SHEET NO.: CUP
CONCEPT PLAN



SERPENTINE WALL PLAN VIEW

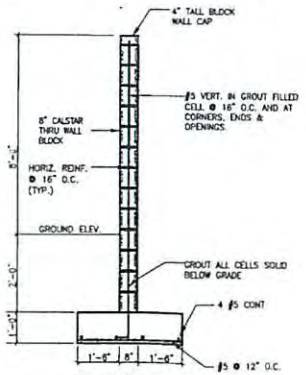
NOT TO SCALE





SERPENTINE WALL FRONT VIEW

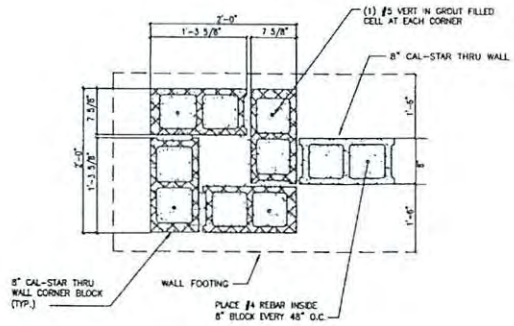
NOT TO SCALE



SECTION B-B

WALL SECTION

NOT TO SCALE



BLOCK COLUMN DETAIL

NOT TO SCALE

BlakewayCorp
surveying | engineering | project management
176 LYNNHAVEN PARKWAY, SUITE 100
VIRGINIA BEACH, VIRGINIA 23452
TEL 757-321-0851
FAX 757-321-0853

NO.	DESCRIPTION	DATE

DATE ISSUED 04-15-14
DRAWN BY CMF
DESIGNED BY SMB
CHECKED BY SMB

JEFFERSON AVENUE

SHEET TITLE
PRELIMINARY CUP WALL DETAIL

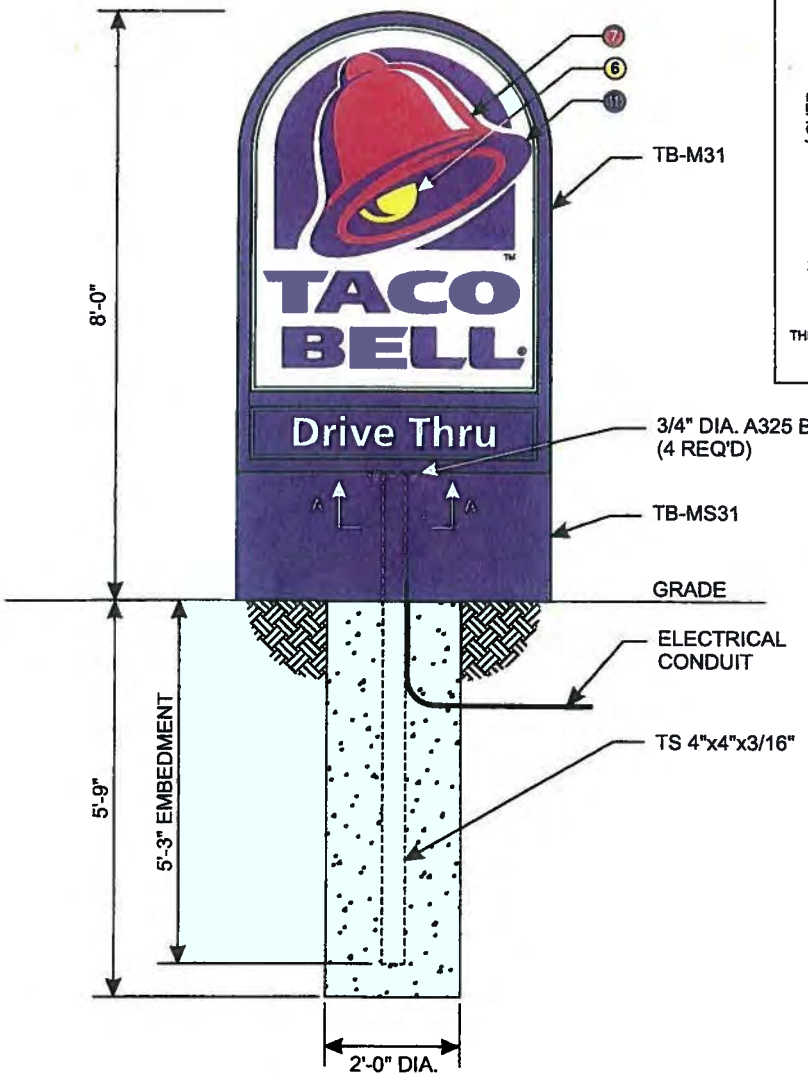
PROJECT # | SITE ADDRESS 10736 Jefferson Avenue Newport News, VA

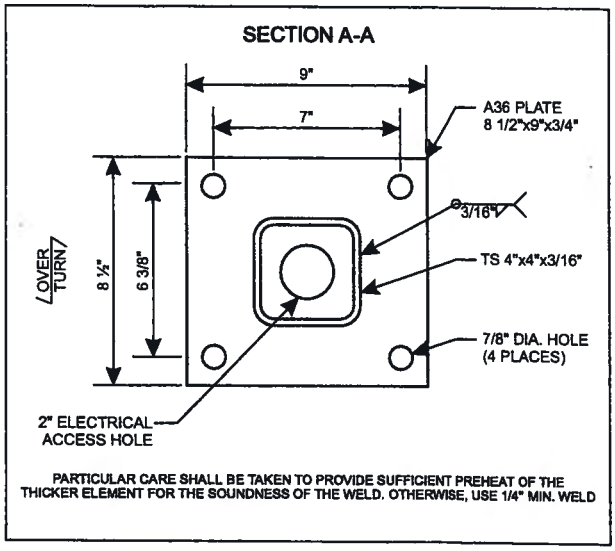
SHEET NO. CUP
WALL DETAIL

Taco Bell - Monument Sign

V-304

NW SIGN INDUSTRIES
BETTER FASTER SMARTER





SPECIFICATIONS

DESIGN PARAMETERS

- **Structural adequacy shall be the manufacturer's responsibility using the following criteria:**
- 100 MPH 3 second gust wind speed, Exposure C, Category II.
- 300 PSF per foot of depth allowable lateral soil bearing pressure.
- Compliant with national building codes and standards (IBC 2009, AISC 13th Edition, ASCE 7-05, ACI & Aluminum Design Manual).
- Refer to written documentation for material specifications.

DIRECTIONAL:

- Extruded aluminum frame, 10" deep with 1 1/2" retainers
- Aluminum painted fillers
- .125 pan-formed and embossed SG polycarbonate face with retention strips
- Approximate weight: 325 lbs.

ELECTRICAL SPECIFICATIONS

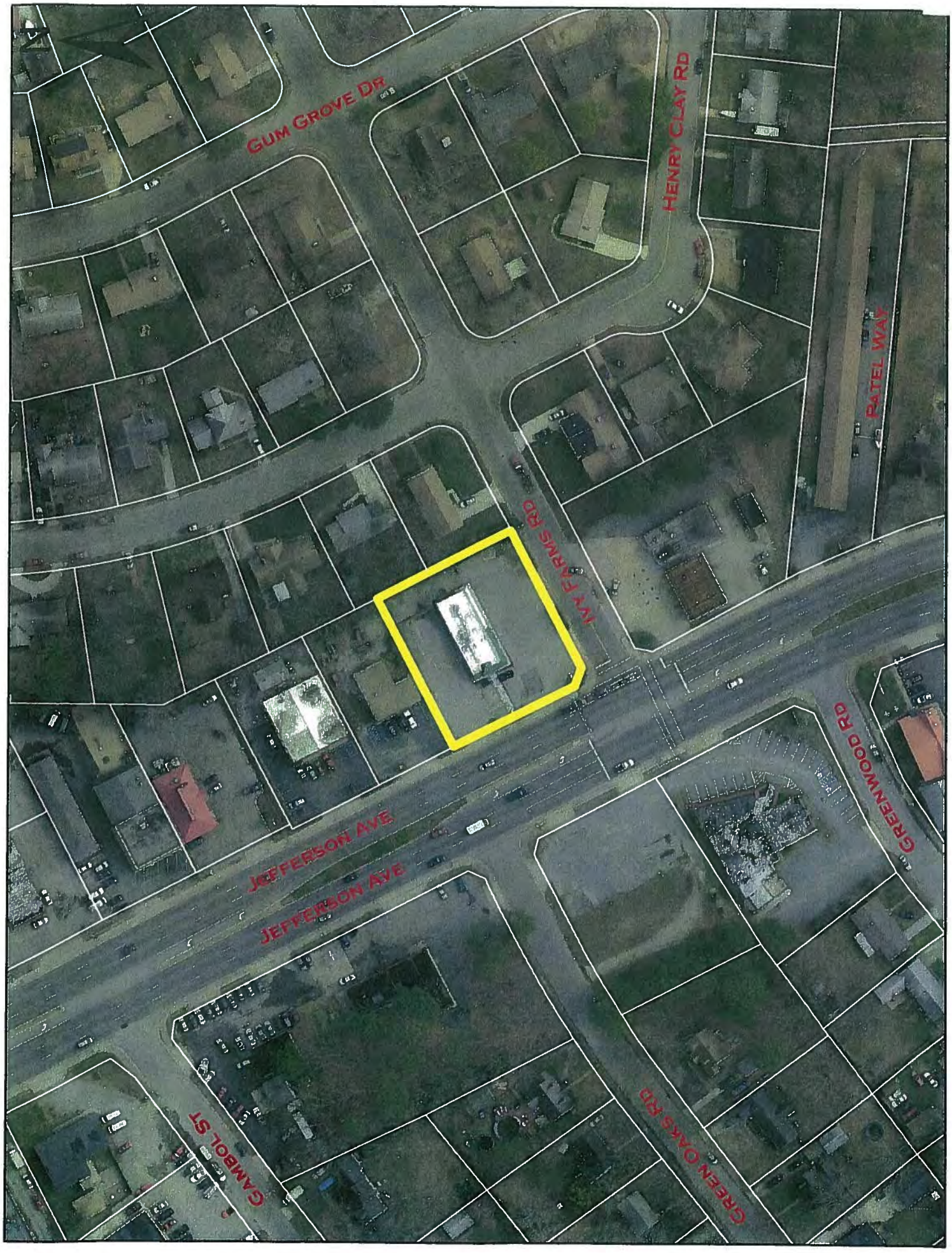
UL & NEC approval required.

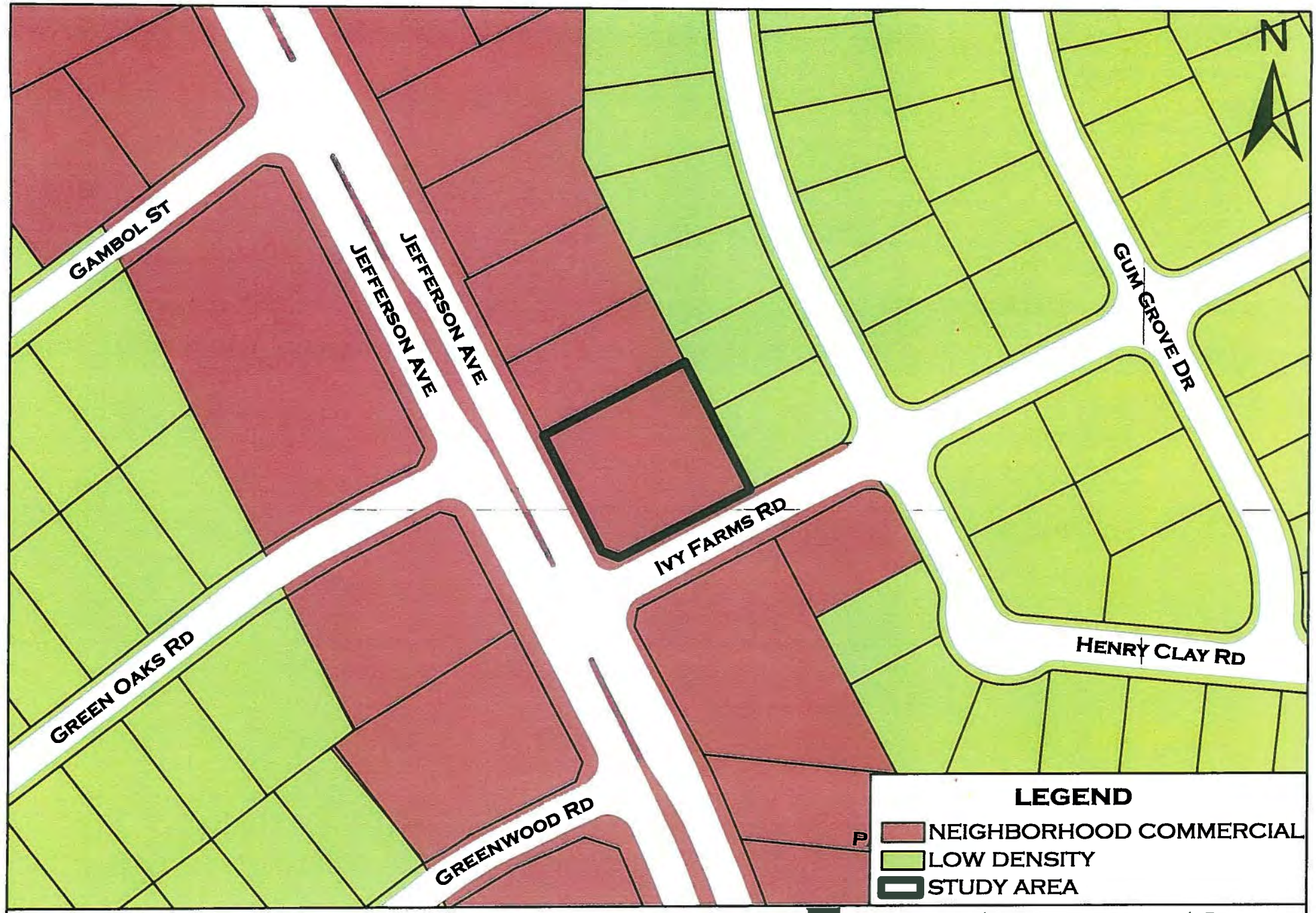
Lamp(s):	(4) F48T12DSGN50/HO
	(2) F42T12DSGN50/HO
	(2) F36T12DSGN50/HO
Ballast(s)	(2) 4-lamp electronic ballast (1.7 amps each)
Total Load:	3.4 amps
Circuits(s):	(1) 20 amp-120V

GRAPHIC & COLOR SPECIFICATIONS:

1. TB Bronze Tiger Dryiac 49-66230 C33
2. Plum PMS 2685U
3. Amber Wave SW-6657 PMS 138U
4. PMS 131U
5. PMS 139U
6. Yellow PMS 108U
7. Pantone Process Magenta U
8. Pantone Violet U
9. Pantone Black
10. Benjamin Moore Bavarian Creme White #2146-70
11. Violet 3M Vinyl 3630-9126
12. White Matte - Cabinet Interior

NOT FOR CONSTRUCTION
DECEMBER 2012


GUM GROVE DR
HENRY CLAY RD
PATEL WAY
IVY FARMS RD
JEFFERSON AVE
JEFFERSON AVE
GREENWOOD RD
GREEN OAKS RD
GAMBOL ST



M & E, LLC

FRAMEWORK FOR THE FUTURE 2030

City of Newport News
Department of Engineering

May 7, 2014

To: Director of Planning

From: Director of Engineering

Subject: Comments for Planning Commission Case for June 4, 2014

Application No. CU-14-333, M & E LLC. The Department of Engineering has no objection to the request for a conditional use permit to allow for the operation of a restaurant (Taco Bell) with drive-thru service adjacent to residential property on a 0.53 acre parcel located at 10736 Jefferson Avenue and zoned C1 Retail Commercial. Please advise the applicant that a site plan will be required. This site is a commercial site and shall comply with all commercial site regulations as indicated in the Site Regulations. In accordance with the Traffic Impact Analysis, the following must be conditioned:

- The existing site entrance onto Ivy Farms Road shall be relocated as far away from the intersection of Jefferson Ave as feasible without violating the transitional buffer required along the rear property line.
- The existing site entrance onto Jefferson Avenue shall be relocated as far away from the intersection of Ivy Farms Rd as feasible but shall be at least 15' from the northern property line.
- The pedestrian signal heads and push buttons for the two existing crosswalks at the intersection of Jefferson Avenue and Ivy Farms Road shall be installed to facilitate safer pedestrian access to the site.

Application No. S. E. 2873, M & E LLC. The Department of Engineering has no objection to the request for a special exception to construct a serpentine fence in the rear required 30 feet transitional buffer area to allow for the operation of a restaurant (Taco Bell) with drive-thru service adjacent to residential property on a 0.53 acre parcel located at 10736 Jefferson Avenue and zoned C1 Retail Commercial. Please advise the applicant that a site plan will be required.

For Everett P. Skipper, PE, BCEE 5-8-14

EPS/SDK

SUMMARY OF IVY FARMS NEIGHBORHOOD MEETING

March 17, 2014 – Community Meeting of Adjacent Neighborhoods

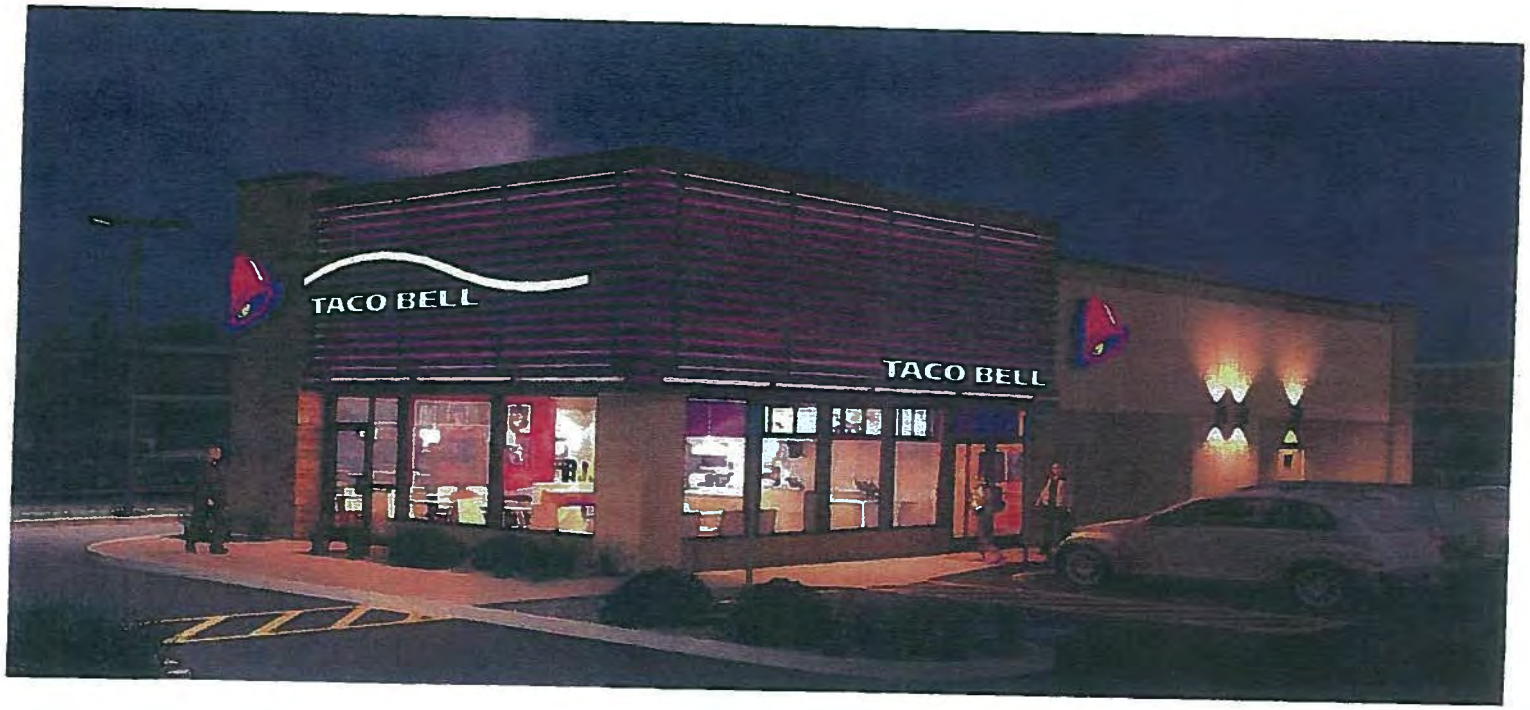
- **Verdad representatives, Michael Montgomery, Steve Blevins, Gary Franks, and Stephen R. Romine met with Ivy Farms Neighborhood**
- Amy Condon, President of Ivy Farms Neighborhood
- Residents were notified of the March 17th meeting by telephone calls, electronic mail and door-to-door visits.
- 10-15 were in attendance and contact information is provided below.
- The meeting lasted for approximately one hour and involved a question and answer session. The Verdad representatives also met one-on-one with various neighbors to address specific questions. We delivered the attached handout.
- The neighbors were generally supportive of the proposal and thought the redevelopment would enhance the corner. Most were excited about having a new Taco Bell open at the site.

Meeting Attendees:

- Fred Hayman, 152 Henry Clay
- Mary Kurowski, 111 Haviland Drive
- Jo Ann McDonald, 101 Haviland Drive
- Brad, Alisa & Desond Spinner, 7 Ivey Farm Road
- Janet Loynachan, 14 Ivy Farm Road
- Amy Condon, 37 Ivy Farm Road

IVY FARMS NEIGHBORHOOD

NEWPORT NEWS, VA





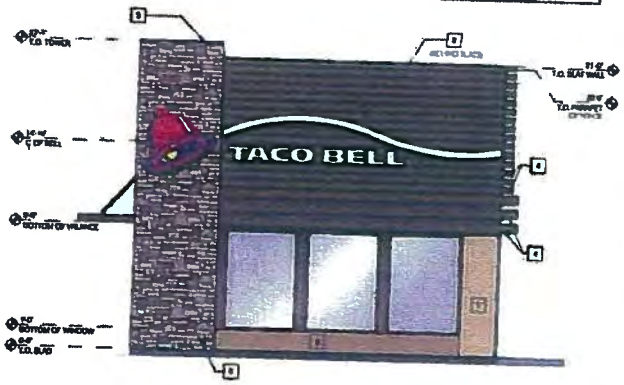
SITE RENDERING

3/17/2014

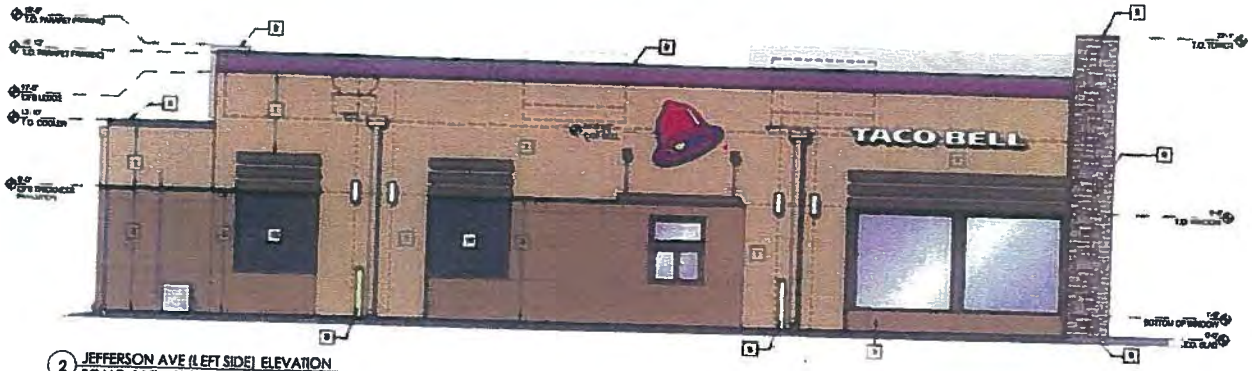
TACO BELL
RESTAURANT
10736 JEFFERSON AVENUE
NEWPORT NEWS, VA 23601

CORE STATES GROUP

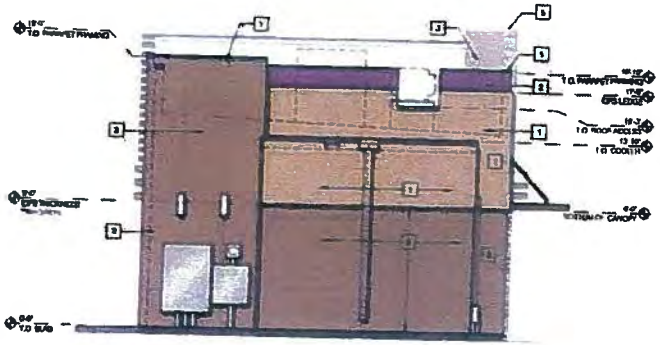
SYMBOL	AREA		COLOR		ALTERNATE COLOR
1	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 6131 "CAMEL BACK"		
2	TRIM, COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6826 "FALL MIST"		
3	ACCENT COLOR	SHERWIN WILLIAMS	SW 7623 "ROOKWOOD CLAY"		
4	GLASS TRIM AND VALANCE COLOR	VITADOR	SW 6184 "STATELY BRONZE" (EQUAL)		
5	PARAPET CAP COLOR	DURO-LAST	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7048 "URBANE"
6	STONE WALL	[illegible]	[illegible]	OWENS CORNING	[illegible]
7	STOREFRONT WINDOWS	TBD	DARK BRONZE		
8	PIPE BOLLARDS	[illegible]	[illegible]		
9	PARAPET EIFS ROOFING	[illegible]	[illegible]		
10	STOREFRONT GLASS				



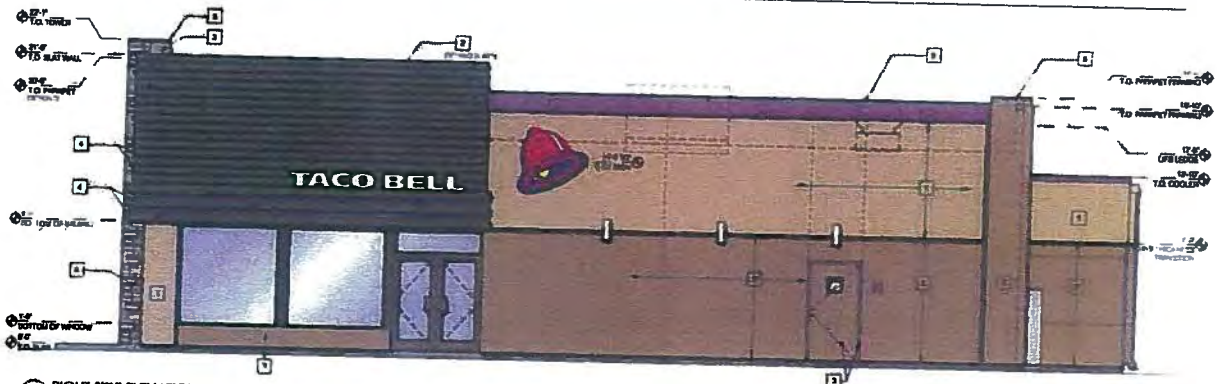
1 IVY FARMS ROAD (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



2 JEFFERSON AVE (LEFT SIDE) ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"

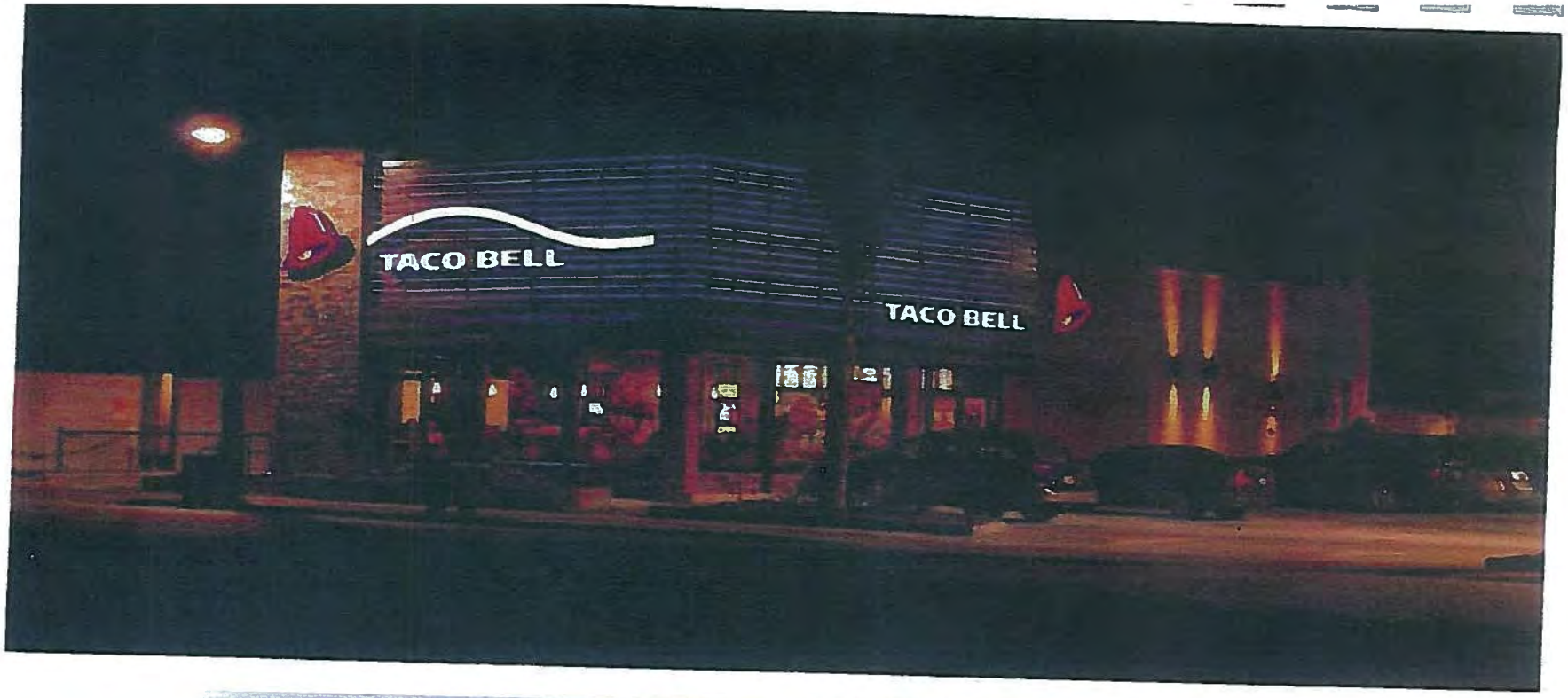


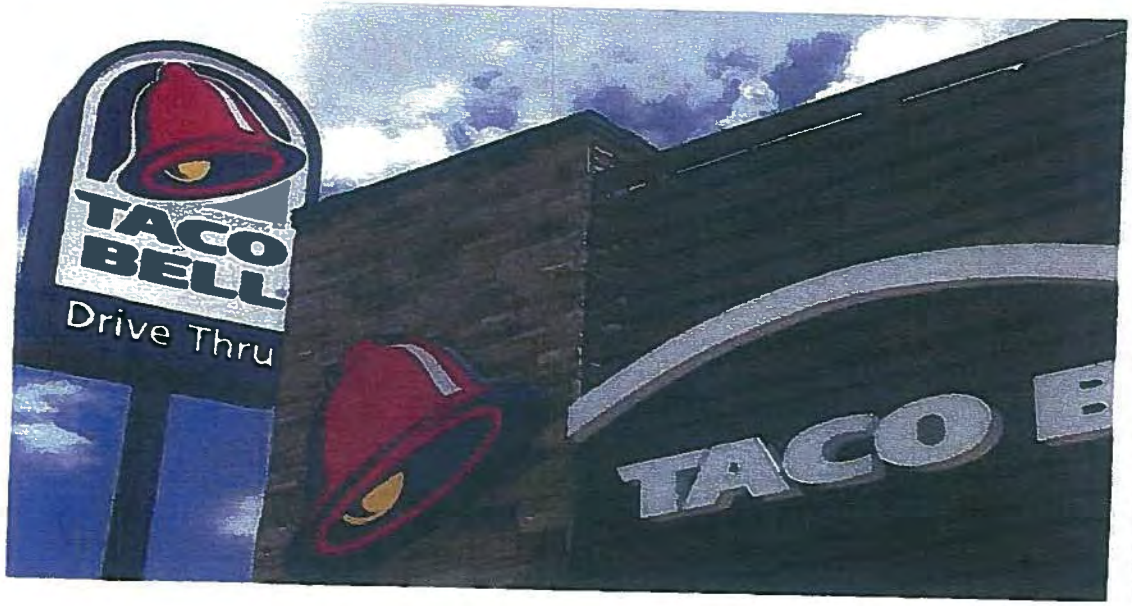
4 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

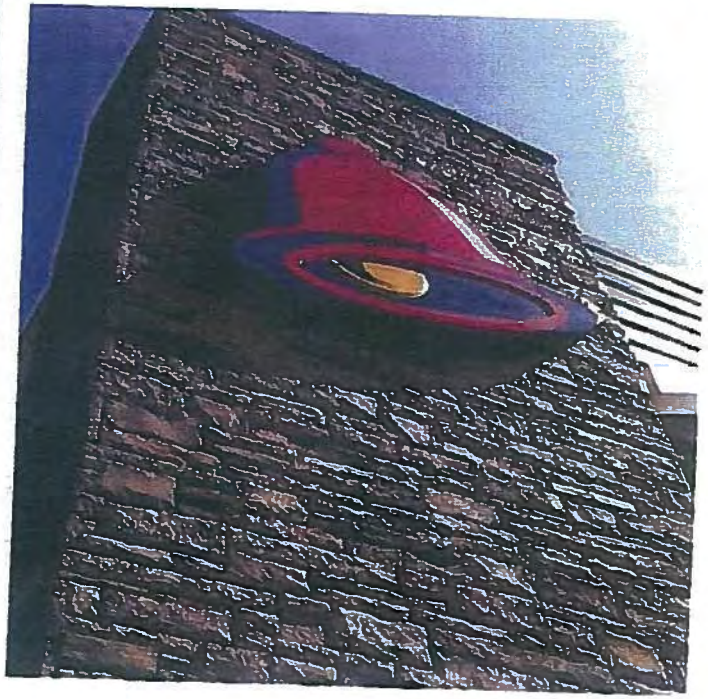
3/17/2014

TACO BELL
RESTAURANT
10736 JEFFERSON AVENUE
NEWPORT NEWS, VA 23601

CORE STATES GROUP


TACO BELL
TACO BELL

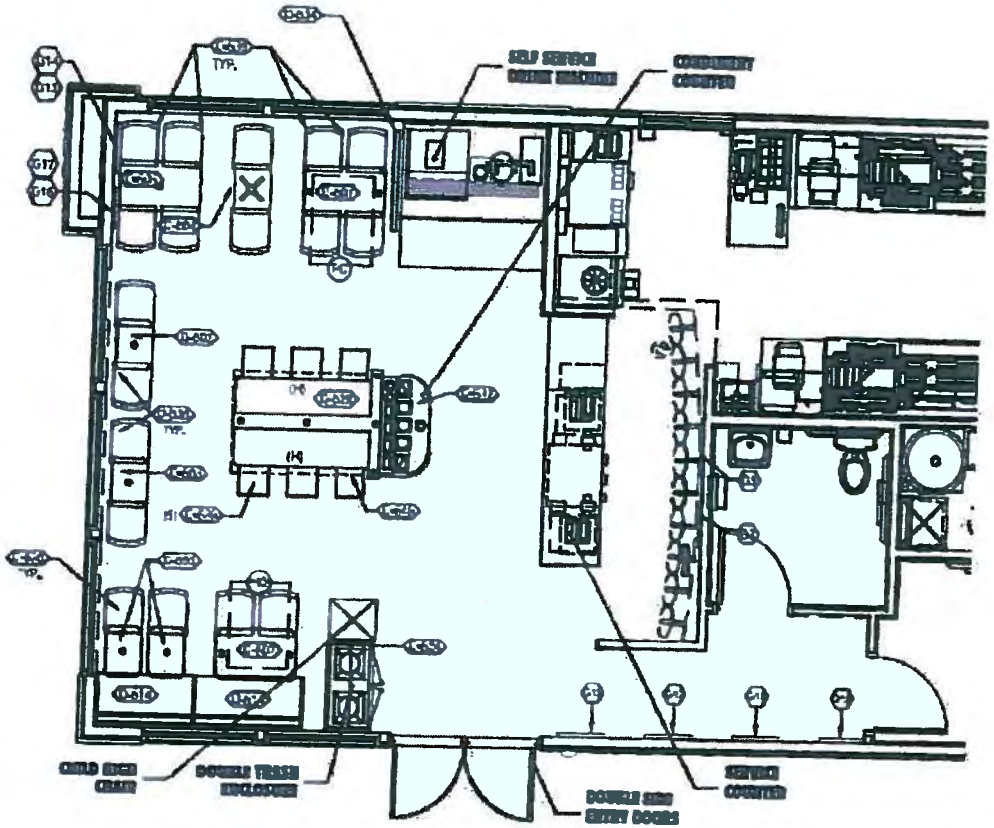

TACO
BELL
Drive Thru



Interior Photos of Typical Floorplan



TYPICAL FLOOR PLAN LAYOUT





GENERAL NOTES

1. THE SITE IS DESIGNED IN ACCORDANCE WITH C-1 ZONING REQUIREMENTS OF THE CITY OF NEWPORT NEWS ZONING ORDINANCE.
2. THE PROPERTY INFORMATION WAS PROVIDED BY VERIDIS REAL ESTATE INC. THE LOCATIONS OF EXISTING RIGHT-OF-WAY, EASEMENTS, AND ROADS ARE APPROXIMATE.
3. FOR THE PURPOSES OF THIS CONCEPT, IT IS ASSUMED THAT ALL STORMWATER QUALITY MANAGEMENT REQUIREMENTS WILL BE MET BY REDUCING THE IMPERVIOUS AREA.
4. PER CONVERSATIONS WITH THE CITY OF NEWPORT NEWS, A CONDITIONAL USE PERMIT WILL BE REQUIRED IF A DRIVE THRU SPEAKER IS PROPOSED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.
5. THIS CONCEPT ALSO REQUIRES A REDUCTION TO THE REQUIRED 30' EMERGENCY BUFFER & 20FOOT VARIANCE. APPLICATION MUST BE SUBMITTED AND APPROVED BY THE BOARD OF ZONING APPEALS.

SITE ANALYSIS

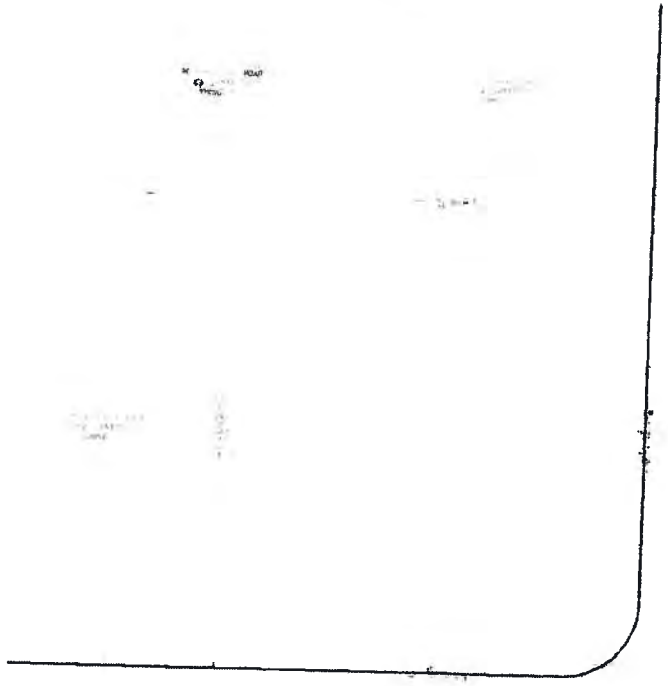
PROPOSE PARCEL AREA:	21,000 SQ.FT. OR 0.479 AC
ZONING	C-1
PARKING	
REQUIRED (1 SPACE PER 100 SQFT OF GROSS FLOOR AREA)	18 SPACES
PROVIDED	19 SPACES
BUILDING SETBACKS	
FRONT	25 FT
REAR	12 FT
SIDE(R/W)	25 FT
SIDE	5 FT
LANDSCAPE BUFFERS	
FRONT	15 FT
REAR	30 FT TRANSITIONAL
SIDE(R/W)	10 FT
	0 FT

AERIAL MAP

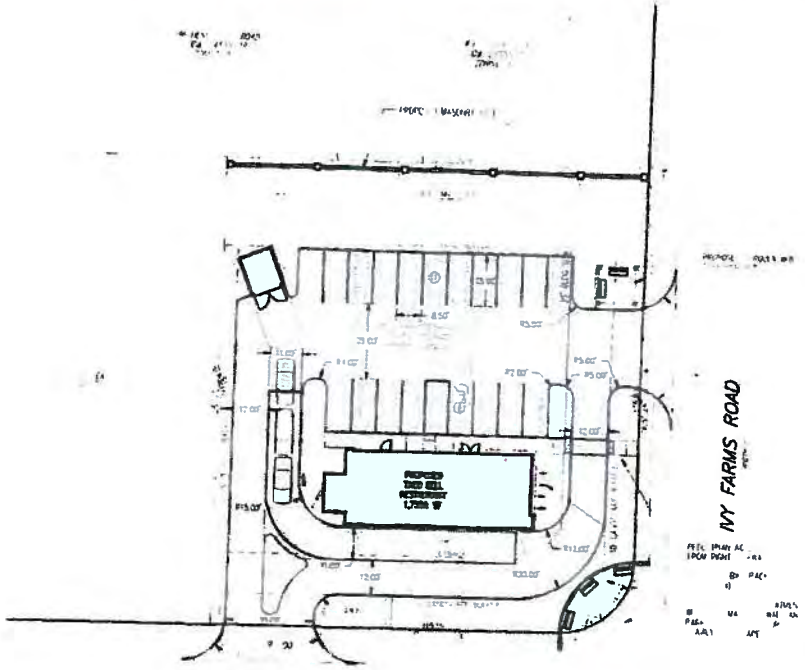


VICINITY MAP





EXISTING CONDITIONS



CONCEPTUAL LANDSCAPE PLAN

GRAPHIC SCALE

BlakewayCorp

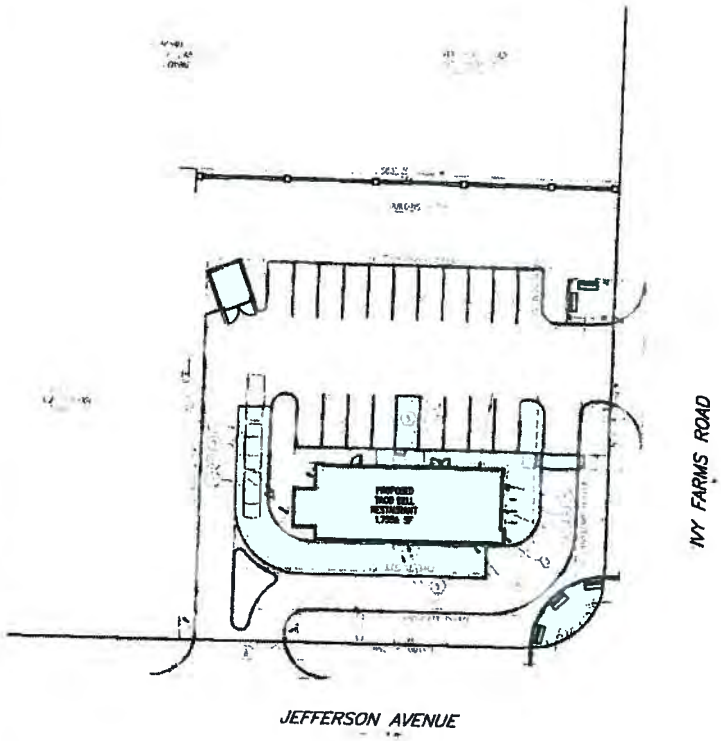
JEFFERSON AVENUE

PRELIMINARY CUP CONCEPT

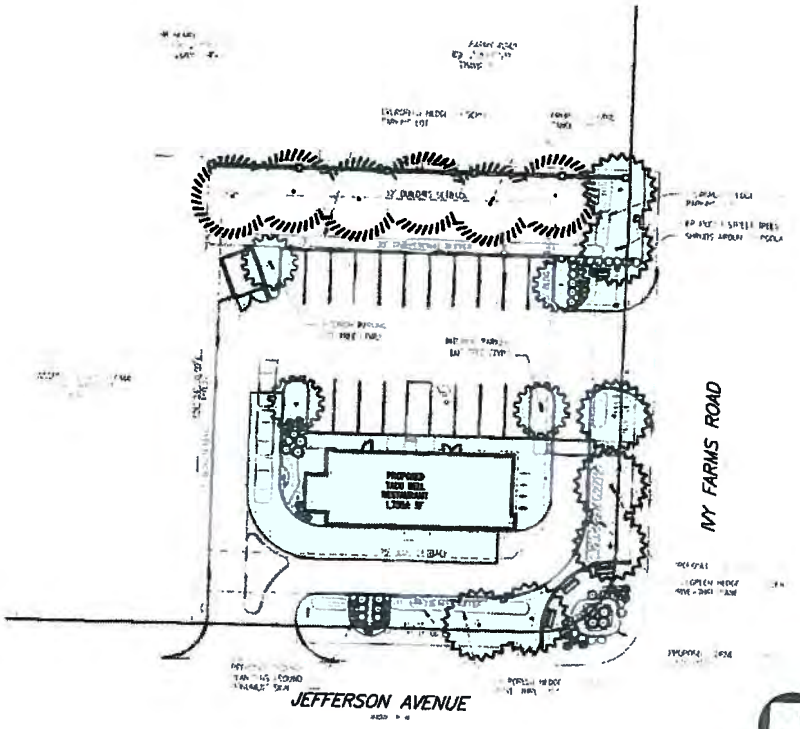
CUP

SIGNAGE LEGEND

1. TACO BELL FREESTANDING PYLON SIGN (V-303)
2. OOD
3. DRIVE-THRU MENU BOARD
4. ENTRY POST/CLEARANCE BAR (V-331)
5. [illegible] BELL (V-322)
6. "TACO BELL" SIGNAGE (V-349)
7. LIVE MAS ACCENT (V-349)
8. TACO BELL TOMBSTONE DIRECTIONAL (V-323)
9. TACO BELL DRIVE-THRU CANOPY (V-332)
10. TACO BELL DRIVE-THRU CANOPY (V-350)
11. TACO BELL SLAT WALL SYSTEM (V-361)



SITE SIGNAGE PLAN



CONCEPTUAL LANDSCAPE PLAN

GRAPHIC SCALE

Blakeway Corp

JEFFERSON AVENUE

PRELIMINARY CUP CONCEPT

CUP

CONCEPT PLAN

EXCERPTS FROM PLANNING COMMISSION MINUTES

June 4, 2014

CU-14-333, M & E LLC. Requests a conditional use permit to allow for the operation of a restaurant (Taco Bell) with drive-through service adjacent to residential property on a 0.53 acre parcel located at 10736 Jefferson Avenue and zoned C1 Retail Commercial. The Parcel No. is 248.00-01-21.

Claudia Cotton, Manager of Current Planning, presented the staff report (copy attached to record minutes).

Mr. Mulvaney asked if Condition No. 9 is in relation to permanent signage or promotional signage. Ms. Cotton stated it typically refers to promotional signage.

Mr. Carpenter asked what restaurants were polled for their hours of operation. Ms. Cotton stated staff polled Burger King, Hardees, Hot Dog King and Pizza Hut in the immediate vicinity.

Ms. Willis asked if the gas station across the street was polled. Ms. Cotton stated no.

Mr. Simmons asked if the hours of operation were distinguished between the lobby and drive-through hours. Ms. Cotton stated no.

Mr. Jones opened the public hearing.

Mr. Stephen Romine, 999 Waterside Drive, Norfolk, Attorney for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Romine gave a brief description of the project. He stated they have agreed with the rear adjacent neighbor to increase the height of the serpentine brick wall from six feet to eight feet. Mr. Romine stated their only point of contention is Condition No. 12, regarding the hours of operation. He stated the business operating model for Taco Bell is as a late night operator and many of their area stores have extended hours past midnight, until 2 A.M, 3 A.M., and 4 A.M. Mr. Romine stated thirty percent of the business for the proposed store will be conducted after midnight. He stated their application asked for 7 A.M. Sunday through Thursday with a 3 A.M. close, and extended hours on Friday and Saturday until 4 A.M. Mr. Romine stated Planning staff conditioned the business hours to 7 A.M. to midnight with no discussion. He stated Taco Bell is offering a compromise with hours of operation from 7 A.M. to 11 P.M. in the lobby with a twenty-four hour drive-through. Mr. Romine stated a direct competitor, McDonald's, has their lobby open from 5 A.M. to 11 P.M. and a twenty-four hour drive-through. He stated there are several other restaurant operators within a two mile radius with operation hours that extend past midnight. Mr. Romine stated he understood the reason for the hours of operation closing at midnight is to protect the adjacent neighborhood, but they met with the neighborhood and they are excited about the new Taco Bell and closing the restaurant early would be detrimental to the business.

Ms. Drucilla A. Griffin, Area Manager of Taco Bell, 2158 Haverford Drive, Chesapeake, stated she was available for questions.

Mr. Carpenter asked for the addresses of competitors Mr. Romine referred to in his presentation, and which properties were directly adjacent to residential neighborhoods. Mr. Romine stated it is a mixed bag, and apologized for not being more detailed in his informal survey.

Mr. Mulvaney asked what the average ticket during the extended hours past midnight would be. Ms. Griffin stated the average ticket would be between $5.50 and $6.50. Mr. Mulvaney asked what the total income would be. Ms. Griffin stated that late night business brings in $800 to $900 per night.

Mr. Steve Blevins, Blakeway Corporation and engineer for Verdad Real Estate, 770 Independence Circle, Virginia Beach, gave a brief description of the construction and orientation of the restaurant building. He stated the drive-through is placed away from the residential neighborhood and the drive-through has volume control.

Ms. Austin asked when the store lobby is closed and the drive-through is open, are there any assigned parking spaces for cars to park while they are waiting on an order. Ms. Griffin stated they do not park any of their cars and they would need to remain at the window until the order is ready.

Mr. Carpenter asked if the adjacent property values will go up or down when the Taco Bell restaurant opens. Mr. Blevins stated he would not want to speculate but there is no reason why they should not go up.

Mr. Jones closed the public hearing.

Mr. Roberts stated he thinks the city will receive a lot of benefits from this application and the assets of getting an existing property redeveloped, the visual improvement along the Jefferson Avenue corridor, and no parking along the street frontage is also a plus. He stated the landscape buffer to the rear and the serpentine brick wall will help with potential adverse impacts from noise and the speaker for the drive-through being oriented to the adjacent commercial and not towards residential, the upgrades with the building materials for the new prototype and the signage changing to a ground mounted sign are all improvements. Mr. Roberts stated that compromising on Condition No. 12 for the hours of operation to what the applicant requested is not an issue for him.

Mr. Roberts made a motion to recommend approval of conditional use permit CU-14-333 to City Council, as recommended by staff, with modification to Condition No. 12 to allow the hours of operation to be 7 A.M. to 3 A.M. Sunday through Thursday and 7 A.M. to 4 A.M. on Friday and Saturday, as well as Condition No. 4 where serpentine brick wall is modified from six feet to eight feet. The motion was seconded by Mr. Mulvaney.

Ms. Willis asked if any consideration would be given to the twenty-four hour drive-through that Mr. Romine had offered as a compromise. Mr. Mulvaney stated that

Planning Commission is giving them the hours of operation they asked for on the application and no compromise is necessary.

Mr. Mulvaney stated that, in addition to Mr. Roberts' list of the benefits of this project, he feels that there is availability for investment opportunity in this area and he appreciated that Taco Bell has done their research. He stated he believes this project and the projects that follow will have a positive impact on property values in that area.

Mr. Carpenter stated he agrees with Mr. Roberts' list of benefits of this project; however, he feels that the operating hours will be injurious to the adjacent property owners and for that reason, he will be voting against the application.

Vote on Roll Call
For: Mulvaney, Roberts, Austin, Willis, Simmons, Jones
Against: Carpenter
Abstention: None

The Planning Commission voted 6:1 to recommend approval of conditional use permit CU-14-333 to City Council.

sdm12638

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-14-333 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A RESTAURANT WITH DRIVE-THROUGH SERVICE ADJACENT TO RESIDENTIAL PROPERTY IN A C1 RETAIL COMMERCIAL ZONING DISTRICT.

WHEREAS, application number CU-14-333 has been made by **M & E, LLC** for a conditional use permit for the hereinafter described property for the purpose of operating a restaurant with drive-through service adjacent to residential property in a C1 Retail Commercial Zoning 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-14-333 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a restaurant with drive-through service adjacent to residential property in a C1 Retail Commercial Zoning District; and

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

> All that certain piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 0.5763 acres of land, and being more particularly bounded and described as follows:
>
> Commencing at a pipe located in the Easterly line of Jefferson Avenue (Route No. 143), the said pipe marks the southerly corner of the property now or formerly of Gunter Oil Corporation and the westerly corner of the property herein conveyed, said pipe lying west 26 degrees 24' west a distance of 119.15' from a lead plug set in concrete and lying in said easterly line of Jefferson Avenue (Route No. 143) which said plug marks the northerly extent of a radius at the intersection of the northerly line of Ivy Farms Road with the said easterly line of Jefferson Avenue (Route No. 143), and from the point of beginning thus established running thence north 63 degrees 36' east along the southerly line of Gunter Oil Corporation a distance of 175.09' to a pipe; thence south 26 degrees

24' east a distance of 144.15' to a bolt lying in the northerly line of Ivy Farms Road; thence along the said northerly line of Ivy Farms Road south 63 degrees 36' west a distance of 150.09' to a lead plug set in concrete; thence along a 25 feet radius at the intersection of the northerly line of Ivy Farms Road with the easterly line of Jefferson Avenue (Route No. 143) to a lead plug set in concrete; thence north 26 degrees 24' west along said easterly line of Jefferson Avenue (Route No. 143) a distance of 119.15' to the pipe marking the point or place of beginning. All as set forth on that certain plat entitled, "Plat of the Property of Donlee Incorporated, Parcel of Land Containing 0.5763 acres, City of Newport News, Virginia," dated January 30, 1973, and made by E. J. Keller, Certified Land Surveyor, a copy of which said plat is recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, in Deed Book 829, page 344.

LESS AND EXCEPTING THEREFROM, HOWEVER, that certain parcel of land containing 2,057 square feet, more or less, conveyed to the Commonwealth of Virginia by instrument recorded in the aforesaid Clerk's Office in Deed Book 1036, page 461. (The Property has a common street address of 10736 Jefferson Avenue and is assigned Real Estate Assessor's Tax I.D.# 248.00-01-21.)

(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 submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering; this site plan shall be in general conformance with the CUP Preliminary Concept Plan prepared by Blakeway Corp. dated April 17, 2014, found in 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. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated May 5, 2014 prepared by Core States Group found in Appendix A-2 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

3. The applicant shall cause a 30-foot transitional buffer area to be installed and maintained in perpetuity along the eastern property line where it abuts

residentially zoned property.

4. The applicant shall construct an eight (8) foot tall serpentine masonry wall within the transitional buffer. The applicant shall submit to the Department of Planning fence elevations and materials consistent with the drawings dated April 15, 2014, prepared by Blakeway Corp. found in Appendix A-3, which is attached hereto and made a part hereof, to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The wall shall be constructed in substantial conformance with the approved elevations and materials.

5. The applicant shall install an eleven (11) foot landscape strip to be maintained in perpetuity along the property's Jefferson Avenue frontage. A ten (10) foot landscape strip shall be installed and maintained in perpetuity along the property's Ivy Farms Road frontage. The landscape strips shall be planted in accordance with the Site regulations.

6. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval, this plan shall be in general conformance with the CUP Landscape Plan prepared by Blakeway Corp. dated April 17, 2014, found in Appendix A-3 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.

7. 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.

8. The applicant shall remove the existing freestanding pole sign and may replace it with no more than one freestanding sign to be installed on the Property. The sign shall be a monument style not to exceed eight (8) feet in height, including the base, and the size limited to fifty (50) square feet. The sign shall be located within the Property. The freestanding sign shall be in substantial conformance with the sign identified in Appendix A-3. The design of the freestanding sign and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.

9. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.

10. The applicant shall submit the proposed elevations and exterior surface

materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

11. The applicant shall screen all heating, ventilation and air conditioning equipment from view from the public rights-of-way and adjacent to properties in a manner reviewed and approved by the Director of Planning.

12. The hours of operation shall be no earlier than 7:00 a.m. and no later than 3:00 a.m. Sunday through Thursday and 7:00 a.m. and no later than 4:00 a.m. Friday and Saturday.

13. The exterior of the restaurant including the buffer area shall be patrolled by the operator at the close of business each day and all debris, litter and graffiti identified during this process must be removed immediately.

14. The applicant shall install pedestrian signal heads and push buttons for the two existing crosswalks at the intersection of Jefferson Avenue and Ivy Farms Roads.

15. 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.

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

abandoned.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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 June 24, 2014, or,

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

GENERAL NOTES

1. THE SITE IS DESIGNED IN ACCORDANCE WITH C-1 ZONING REQUIREMENTS OF THE CITY OF NEWPORT NEWS ZONING ORDINANCE.
2. THE PROPERTY INFORMATION WAS PROVIDED BY VERDAD REAL ESTATE INC. THE LOCATIONS OF EXISTING RIGHT-OF-WAY, EASEMENTS, AND ROADS ARE APPROXIMATE.
3. FOR THE PURPOSES OF THIS CONCEPT, IT IS ASSUMED THAT ALL STORMWATER MANAGEMENT REQUIREMENTS WILL BE MET BY REDUCING THE IMPERVIOUS AREA.
4. PER CONVERSATIONS WITH THE CITY OF NEWPORT NEWS, A CONDITIONAL USE PERMIT WILL BE REQUIRED IF A DRIVE THRU SPEAKER IS PROPOSED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.
5. THIS CONCEPT ALSO REQUIRES A REDUCTION OO THE REQUIRED 30' TRANSITIONAL BUFFER. A ZONING VARIANCE APPLICATION MUST BE SUBMITTED AND APPROVED BY THE BOARD OF ZONING APPEALS.

SITE ANALYSIS

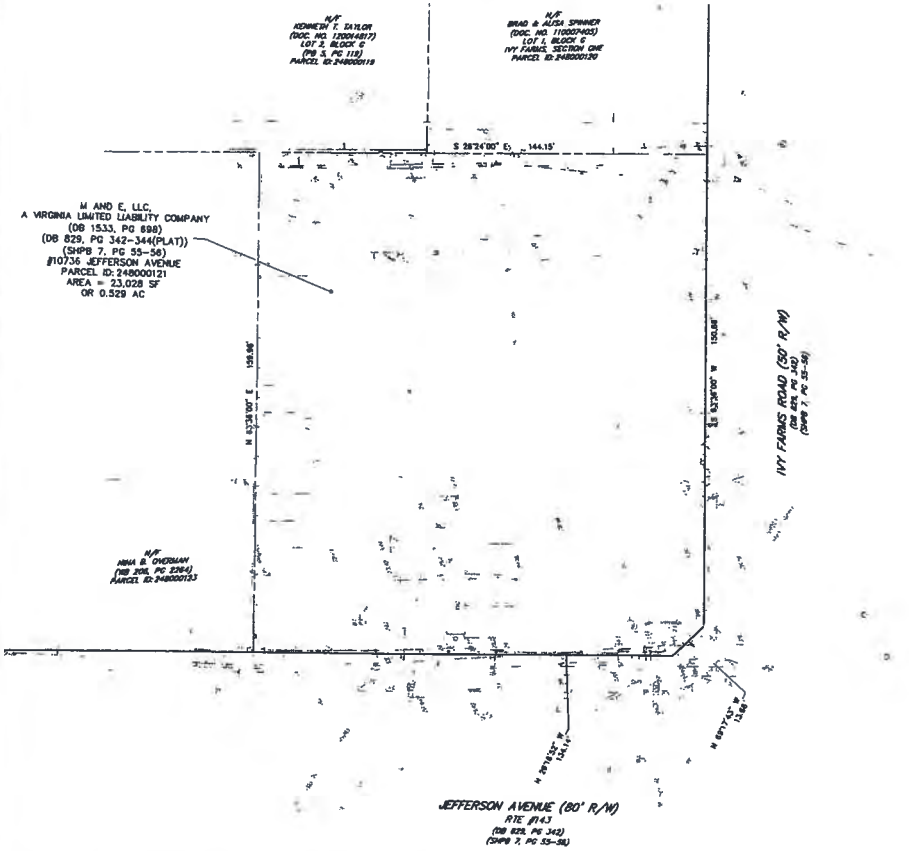
PROPOSE PARCEL AREA:	23,090.00± sf 0.53± ac.
ZONING:	C-1
PARKING:	
REQUIRED: (1 SPACE PER 100 SQFT OF GROSS FLOOR AREA)	18 SPACES
PROVIDED:	20 SPACES
BUILDING SETBACKS:	
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REAR	12 FT
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SIDE:	5 FT
LANDSCAPE BUFFERS:	
FRONT:	11 FT
REAR:	30 FT TRANSITIONAL
SIDE(R/W):	10 FT
SIDE:	0 FT



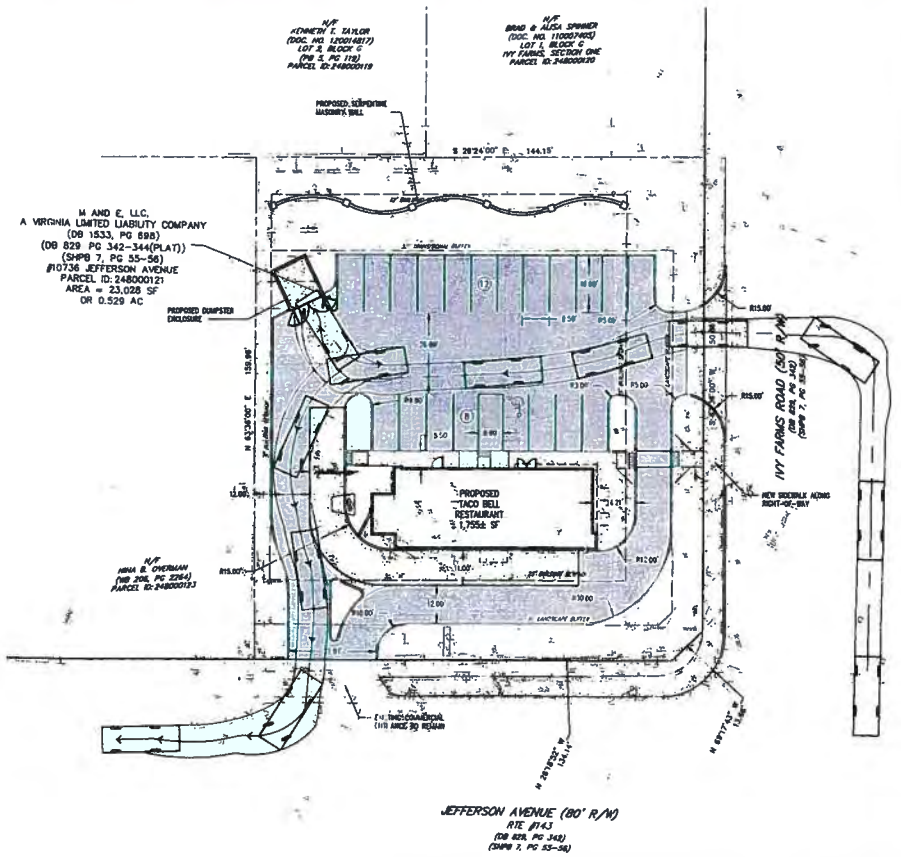
AERIAL MAP



VICINITY MAP



EXISTING CONDITIONS



CONCEPTUAL LANDSCAPE PLAN

GRAPHIC SCALE

20 10 0 20 40

scale feet

BlakewayCorp
surveying | engineering | project management
735 THIMBLE SHOALS BOULEVARD, SUITE 108
NEWPORT NEWS, VIRGINIA 23606
TEL 757-595-9881
FAX 757-595-9882

NO.	DESCRIPTION	DATE
1		
2		
3		
4		

DATE ISSUED: 04-15-14
DRAWN BY: GAF
REVIEWED BY: SMB
DESIGNED BY: SMB

LOCATION: JEFFERSON AVENUE

SHEET TITLE: PRELIMINARY CUP CONCEPT

PROJECT #

SITE ADDRESS: 10736 Jefferson Avenue Newport News, VA

SHEET NO.: CUP

CONCEPT PLAN

NOTES

1. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. CSA-13-2705-VA-KP AND DATED FEBRUARY 7, 2014.

2. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

   THIS PROPERTY APPEARS TO FALL IN
   FLOOD ZONES: C
   COMMUNITY NO.: 510103A
   PANEL: 14H-14 DATED: MAY 2, 1977

   FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

3. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NONEXISTENCE OF WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES OR ANY UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.

4. AS PER CITY OF NEWPORT NEWS ZONING DEPARTMENT, THIS SITE IS ZONED C1 (RETAIL COMMERCIAL). SETBACK REQUIREMENTS AS PER ZONING ORDINANCE:

FRONT	25 FEET
REAR	12 FEET
SIDE	5 FEET

   SIDE (ALONG STREET) 25 FEET
   MAXIMUM BUILDING HEIGHT IS 40 FEET
   (BUILDINGS MAY BE HIGHER THAN 40 FEET PROVIDED THE BUILDING SETBACKS ARE INCREASED 1 FOOT FOR EACH FOOT OF ADDITIONAL HEIGHT ABOVE 40 FEET)

5. EXISTING PARKING

EXISTING PAINTED SPACES	=	24 SPACES
EXISTING HC SPACES	=	1 SPACES
TOTAL SPACES	=	25 SPACES

6. NORTH MERIDIAN SHOWN HEREON IS BASED ON DEED BOOK 1533, PAGE 698

7. ELEVATIONS SHOWN HEREON BASED ON NAVD88 AND WERE ESTABLISHED FROM CITY OF NEWPORT NEWS, VIRGINIA VERTICAL CONTROL DISK #850, ELEVATION=30.38

8. LOCATION OF UNDERGROUND NON-GRAVITY UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE INDICATIONS OF SUBTERRANEAN USE AND PAINT MARKINGS FIELD LOCATED BY MSA, PC AS PAINTED BY MISS UTILITY, EXCAVATION/DIG TICKET NUMBER A4084004358. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES.

9. THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF: JEFFREY J. WERRETHER, L.S. (LIC. NO. 2308) FROM AN ACTUAL GROUND/AIRBORNE SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON MARCH 28, 2014; AND THAT THIS PLAT, MAP OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED

SCHEDULE B - SECTION II EXCEPTIONS

1. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF; IF ANY OBSERVED AT TIME OF SURVEY, THEN SHOWN ON SURVEY.
2. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY PUBLIC RECORDS. THE COVERAGE AFFORDED BY COVERED MATTER 2(C) IS HEREBY DELETED IF ANY OBSERVED AT TIME OF SURVEY, THEN SHOWN ON SURVEY.
3. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICE, LABOR OR MATERIAL THERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS, NOT A SURVEY ITEM.
4. ROADS, WAYS, STREAMS OR EASEMENTS, IF ANY, NOT SHOWN OF RECORD, RIPARIAN RIGHTS AND THE TITLE TO ANY FILLED-IN LANDS. IF ANY OBSERVED AT TIME OF SURVEY, THEN SHOWN ON SURVEY. RIPARIAN RIGHTS AND TITLE TO ANY FILLED-IN LANDS NOT PLOTTABLE.
5. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES OF RECORD FOR VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. NOT A SURVEY ITEM.
6. COVENANTS SET FORTH ON DEED AT BOOK 1533, PAGE 698. COVENANTS NOT PLOTTABLE.
7. EASEMENT ALONG THE NORTHEAST BOUNDARY AS SHOWN ON "PLAT OF THE PROPERTY OF DONLEE INCORPORATED..." DATED JANUARY 30, 1973, A COPY OF WHICH SAID PLAT IS RECORDED AS AN ATTACHMENT TO THE DEED AT BOOK 829, PAGE 342, SHOWN ON SURVEY.
8. SANITARY SEWER EASEMENT AND RIGHT OF WAY GRANTED TO THE CITY OF WARWICK, VIRGINIA, DATED JANUARY 17, 1957 AND RECORDED JANUARY 18, 1957 IN BOOK 82, PAGE 210. 10' SANITARY SEWER EASEMENT ABSORBED INTO RIGHT-OF-WAY TAKE (DB 1038, PG 461)(SHPB 7, PG 55-56).
9. PERMANENT EASEMENT FOR DRAIN INLET DITCH REFERENCED ON DEED RECORDED ON FEBRUARY 23, 1981 IN BOOK 1038, PAGE 461, SHOWN ON SURVEY.
10. INTENTIONALLY OMITTED

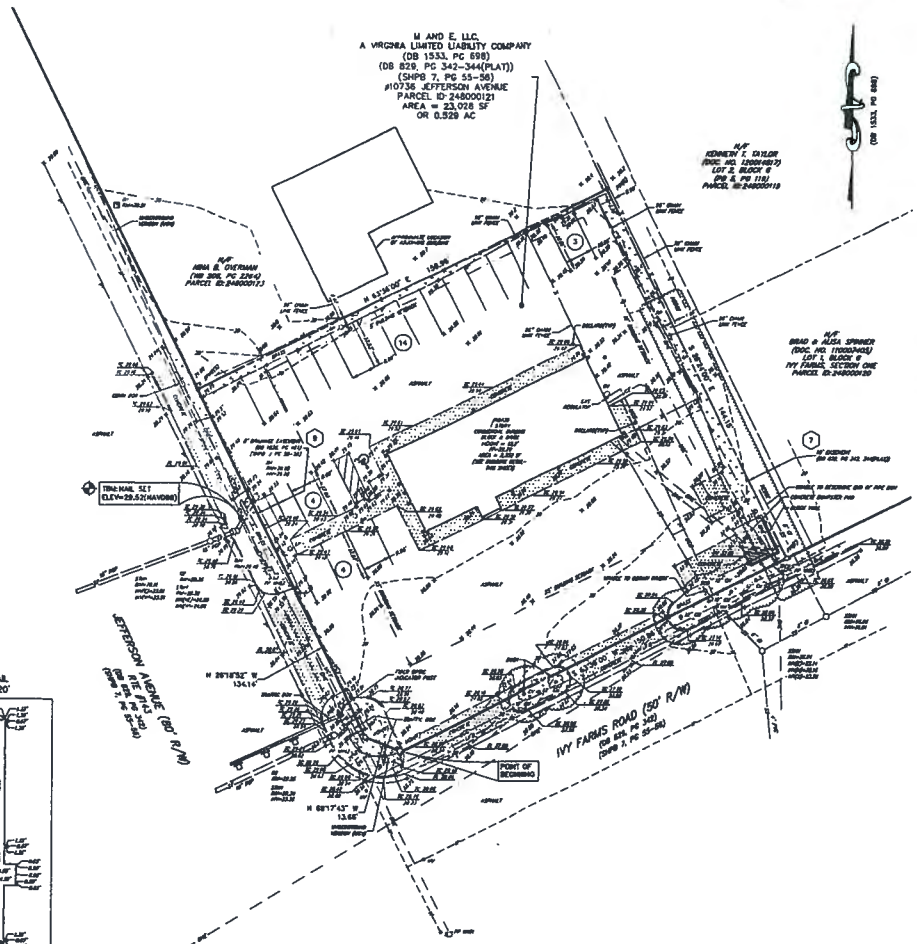
LEGEND

SYMBOL/ABBREVIATION	DESCRIPTION		
○ MH	MANHOLE	SS	SANITARY SEWER
□ SSO	SANITARY CLEANOUT	W	WATER
● WV	VALVE	OHE / UGE	ELECTRIC & TELEPHONE LINE
WM	WATER METER		TRAFFIC BOX
FH	FIRE HYDRANT		SIGN
WELL	WELL		MAIL BOX
DB	DROP INLET		TREE
CI	CURB INLET		BUSH/HEDGE
GM	GAS METER	24" SW 24"	PAVEMENT
PP	POWER POLE	6"/SB/SW/SB/6"	CONCRETE
LP	LIGHT POLE		TEMPORARY BENCHMARK(TBM)
	LIGHT POLE /CONCRETE BASE	123.45	ELEVATIONS
TS	TRAFFIC LIGHT POLE	123.45	TOP OF CURB ELEVATIONS
PED	PEDESTAL		IRON PIN FOUND - PIN(F)
	CURB AND GUTTER		IRON PIN SET - PIN(S)
	FENCE		MONUMENT FOUND - MON(F)
	PROPERTY LINE		MONUMENT SET - MON(S)
	BUILDINGS	9	NUMBER OF PARKING SPACES
	STORM SEWER	(#)	SCHEDULE B, EXCEPTION

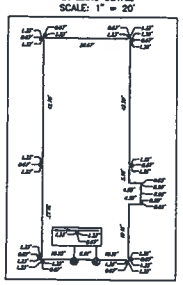


LOCATION MAP - SCALE: 1" = 2,000'

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Permitted Use No. 21001204



BUILDING DETAIL
SCALE: 1" = 20'



FB: 820, PG 70-72

LEGAL DESCRIPTION: (AS PER TITLE REPORT)

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF NEWPORT NEWS, VIRGINIA, CONTAINING 0.5763 ACRES OF LAND, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A PIPE LOCATED IN THE EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143), THE SAID PIPE MARKS THE SOUTHERLY CORNER OF THE PROPERTY NOW OR FORMERLY OF GUNTER OIL CORPORATION AND THE WESTERLY CORNER OF THE PROPERTY HEREIN CONVEYED, SAID PIPE LYING WEST 28 DEGREES 24' WEST A DISTANCE OF 118.15' FROM A LEAD PLUG SET IN CONCRETE AND LYING IN SAID EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143) WHICH SAID PLUG MARKS THE NORTHERLY TERMINUS OF A RADIUS AT THE INTERSECTION OF THE NORTHERLY LINE OF IVY FARMS ROAD WITH THE SAID EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143), AND FROM THE POINT OF BEGINNING THUS ESTABLISHED RUNNING THENCE NORTH 63 DEGREES 36' EAST ALONG THE SOUTHERLY LINE OF GUNTER OIL CORPORATION A DISTANCE OF 175.09' TO A PIPE; THENCE SOUTH 26 DEGREES 24' EAST A DISTANCE OF 144.15' TO A BOLT LYING IN THE NORTHERLY LINE OF IVY FARMS ROAD; THENCE ALONG SAID NORTHERLY LINE OF IVY FARMS ROAD SOUTH 63 DEGREES 36' WEST A DISTANCE OF 150.09' TO A LEAD PLUG SET IN CONCRETE; THENCE ALONG A 25 FEET RADIUS AT THE INTERSECTION OF THE NORTHERLY LINE OF IVY FARMS ROAD WITH THE EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143) TO A LEAD PLUG SET IN CONCRETE; THENCE NORTH 26 DEGREES 24' WEST ALONG SAID EASTERLY LINE OF JEFFERSON AVENUE (ROUTE NO. 143) A DISTANCE OF 118.15' TO THE PIPE MARKING THE POINT OR PLACE OF BEGINNING

ALL AS SET FORTH ON THAT CERTAIN PLAT ENTITLED, "PLAT OF THE PROPERTY OF DONLEE, INCORPORATED, PARCEL OF LAND CONTAINING 0.5763 ACRES, CITY OF NEWPORT NEWS, VIRGINIA", DATED JANUARY 30, 1973, AND MADE BY E. J. KELLER, CERTIFIED LAND SURVEYOR, A COPY OF WHICH SAID PLAT IS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS, VIRGINIA, IN DEED BOOK 829, PAGE 344.

LESS AND EXCEPTING THEREFROM, HOWEVER, THAT CERTAIN PARCEL OF LAND CONTAINING 2,057 SQUARE FEET, MORE OR LESS, CONVEYED TO THE COMMONWEALTH OF VIRGINIA BY INSTRUMENT RECORDED IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 1038, PAGE 461

METES & BOUNDS DESCRIPTION: (PARCEL ID: 248000121)

BEGINNING AT A MONUMENT FOUND ON THE NORTHERN RIGHT-OF-WAY LINE OF IVY FARMS ROAD AT THE NORTHEAST INTERSECTION OF JEFFERSON AVENUE AND IVY FARMS ROAD AND BEING ON THE SOUTHERN CORNER OF PARCEL ID: 248001121 (SUBJECT PROPERTY), SAID MONUMENT FOUND BEING THE POINT OF BEGINNING; THENCE DEPARTING THE POINT OF BEGINNING ALONG THE NORTHERN RIGHT-OF-WAY LINE OF IVY FARMS ROAD N 69°17'43" W, A DISTANCE OF 13.66 FEET TO A MONUMENT FOUND ON THE EASTERN RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE OF JEFFERSON AVENUE N 20°18'52" W, A DISTANCE OF 134.14 FEET TO A SPIKE SET; THENCE DEPARTING THE EASTERN RIGHT-OF-WAY LINE OF JEFFERSON AVE ALONG THE COMMON PROPERTY LINE OF PARCEL ID: 248000133 AND THE SUBJECT PROPERTY N 63°36'00" E, A DISTANCE OF 150.88 FEET TO A PIN SET ON THE NORTHERN CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE COMMON PROPERTY LINE OF PARCEL ID: 248000119 & PARCEL ID: 248000120 AND THE SUBJECT PROPERTY S 26°24'00" E, A DISTANCE OF 146.15 FEET TO A PIN FOUND ON THE NORTHERN RIGHT-OF-WAY LINE OF IVY FARMS ROAD; THENCE ALONG THE NORTHERN RIGHT OF WAY LINE OF IVY FARMS ROAD S 63°36'00" W, A DISTANCE OF 150.88 FEET TO A MONUMENT FOUND, SAID MONUMENT FOUND BEING THE POINT OF BEGINNING AND CONTAINING 23,028 SQUARE FEET OR 0.529 ACRES.

SURVEYOR'S CERTIFICATION

TO FIRST AMERICAN TITLE INSURANCE COMPANY AND M AND E, LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 ANNUAL STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6B, 7A, 7B1, 7C 8, 9, 11A, 11B, 13, 14, 16, 17, 18, 20A AND 22 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 28, 2014.

DATE OF PLAT OR MAP: 3-31-14

JEFFREY J. WERRETHER, L.S. 2308

COMMONWEALTH OF VIRGINIA
JEFFREY J. WERRETHER
Lic. No. 2308
3-31-14
LAND SURVEYOR

20 0' 20' 40'
GRAPHIC SCALE
1" = 20'

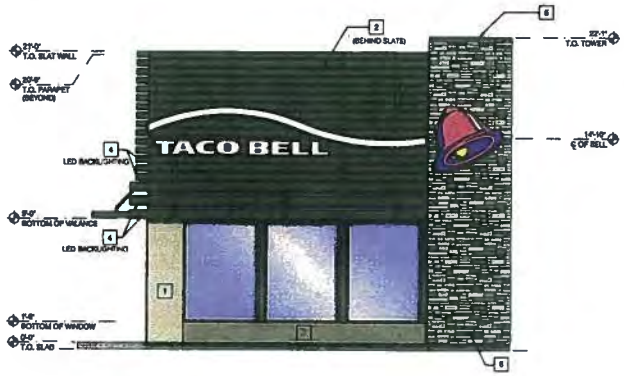
MSA, P.C.
Environmental Science • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5032 Bonney Drive, Virginia Beach, VA 23462
757-490-2266 (Tele) 757-490-2634 (Fax)
www.msaonline.com

DESIGNED WCS
DRAWN JJV
CHECKED JJV
APPROVED
DATE 3-31-14

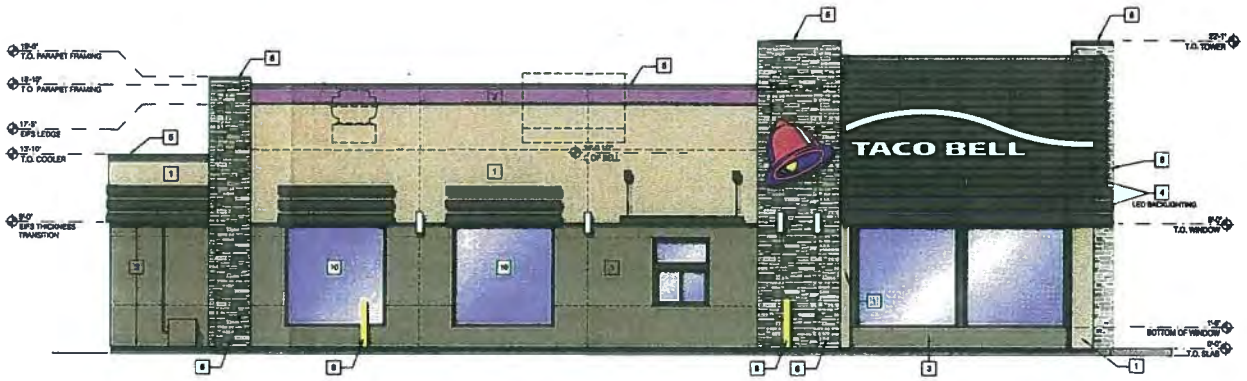
ALTA/ACSM LAND TITLE SURVEY
OF
TACO BELL CT #304
#10736 JEFFERSON AVENUE
PARCEL ID: 248000121
NEWPORT NEWS VIRGINIA

SHEET 1 of 1 Sheets
SCALE: 1"=20'
PROJ. NO. 13211A

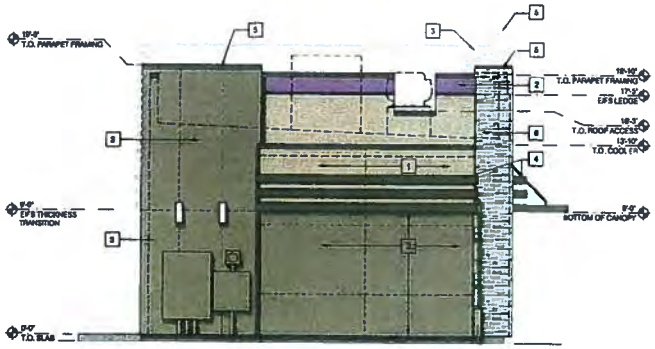
SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR	ALTERNATE COLOR
1	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 6122 "CAMEL BACK"	LOTUSAN	NH08-0011
2	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6821 "CLEMATIS"		
3	ACCENT COLOR	SHERWIN WILLIAMS	SW 6823 "ROCKINGCOD CLAY"	LOTUSAN	NH08-0010
4	SLAT WALL AND VALANCE COLOR	VENDOR	SW 7604 "STATUS BRONZE" (EQUAL)		
5	PARAPET CAP COLOR	DURODAST	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7069 "IRON ORE"
6	STONE WALL	BORAL - VERSA STONE	TIGHT CUT - " PLUM CREEK"	OWENS CORNING	CAMO DRY STACK, CARMEL MOUNTAIN CULTURED STONE VENEER
7	STOREFRONT WINDOWS	TBD	"DARK BRONZE"		
8	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (US POSTMARK(DDV), OR EQUAL		
9	PARAPET BACK ROOFING	DURODAST	THE COLOR SHALL BE FACTORY COLORED "TAN." EQUAL ALTERNATE ALLOWED.		
10	SPANDREL GLASS				



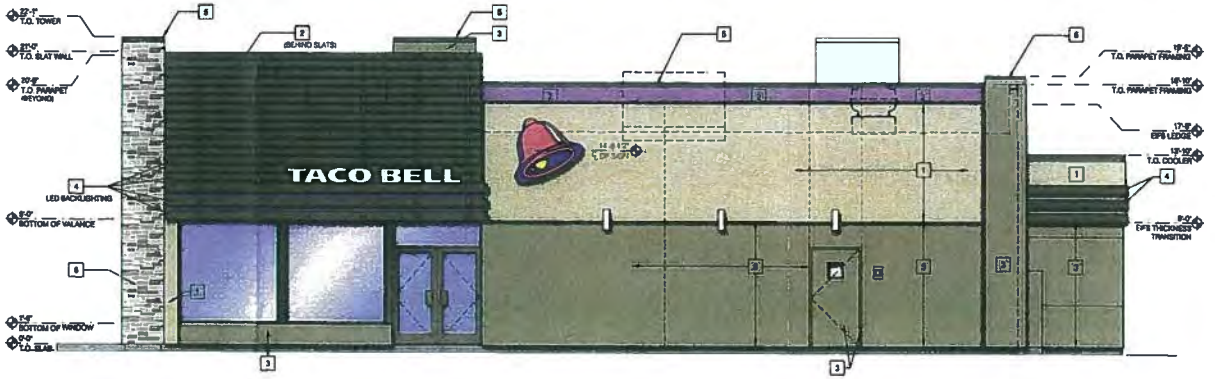
1 IVY FARMS ROAD (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



2 JEFFERSON AVE (LEFT SIDE) ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



4 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

5/5/2014

TACO BELL

TACO BELL
RESTAURANT
10736 JEFFERSON AVENUE
NEWPORT NEWS, VA 23601

CORE STATES GROUP

NEWPORT NEWS LANDSCAPE ORDINANCE REQUIREMENTS

Site Plan Name =	Taco Bell		
Site Plan Address =	Jefferson Ave & Ivy Farms Rd		
If double frontage lot, enter "1"	1	If modifying developed site, enter "1"	1
Total area of the site =	23,230	Area of the site to be developed (sq ft.)=	23,230

Final Data Output Area (required)		Information Shown on Site Plan (provided)	
Green area =	2,722	Green area =	8,320
Green area forward of front building line =	1,937	Green area forward of front building line =	2,130
Green area forward of side building =	345	Green area forward of side building =	2,631
Green area forward of rear of largest building =	NA	Green area forward of rear of largest building =	NA
Total # of trees =	6	Total # of trees =	22
Minimum # evergreen trees =	2	# of existing trees to remain =	3
Maximum # evergreen trees =	4	# evergreen trees =	11
# trees forward of front building line =	2	# trees forward of front building line =	4
# trees forward of side building =	1	# trees forward of side building =	12
Total # of shrubs =	12	Total # of shrubs =	112
Minimum # of deciduous shrubs =	6		
Maximum # of deciduous shrubs =	72	# deciduous shrubs =	9
# of shrubs forward of front building line =	5	# of shrubs forward of front building line =	46
# of shrubs forward of side building =	2	# of shrubs forward of side building =	39

* CBPAC buffer existing trees 760 (spec.) + Center area existing trees 178 + Trees filtered buffer existing trees 94 + Proposed trees 187 = 1,145+ trees. Please note that there are many more areas on site in which trees will be saved, etc. the areas are sh

TRANSITIONAL BUFFER

PROPERTY LINE ABUTTING R4 ZONING

144 x 30' = 4320 sq. ft. required

4320 / 400 = 10.8

	required	provided
TREES (2/400 sq. ft.)	22	22
SHRUBS (2/400 sq. ft.)	22	22

NEWPORT NEWS GENERAL LANDSCAPE NOTES

> WITHIN LANDSCAPING AND GREEN AREAS, HEALTHY TREES OF A MINIMUM 8" DIAMETER AT BREAST HEIGHT, MEASURED AT LEAST 4.5' ABOVE GRADE FOR SINGLE-STEMMED, DECIDUOUS TREES, AND A MINIMUM OF 8' IN HEIGHT FOR MULTI-STEMMED OR EVERGREEN TREES, SHALL BE RETAINED, P

> THE PROPERTY OWNER OR DEVELOPER, AS APPLICABLE, SHALL BE RESPONSIBLE FOR THE PERPETUATION AND MAINTENANCE OF ALL SITE IMPROVEMENTS, INCLUDING LANDSCAPING, REQUIRED BY CHAPTER 33.02 SITE REGULATIONS AND AS SHOWN ON THE APPROVED PLAN.

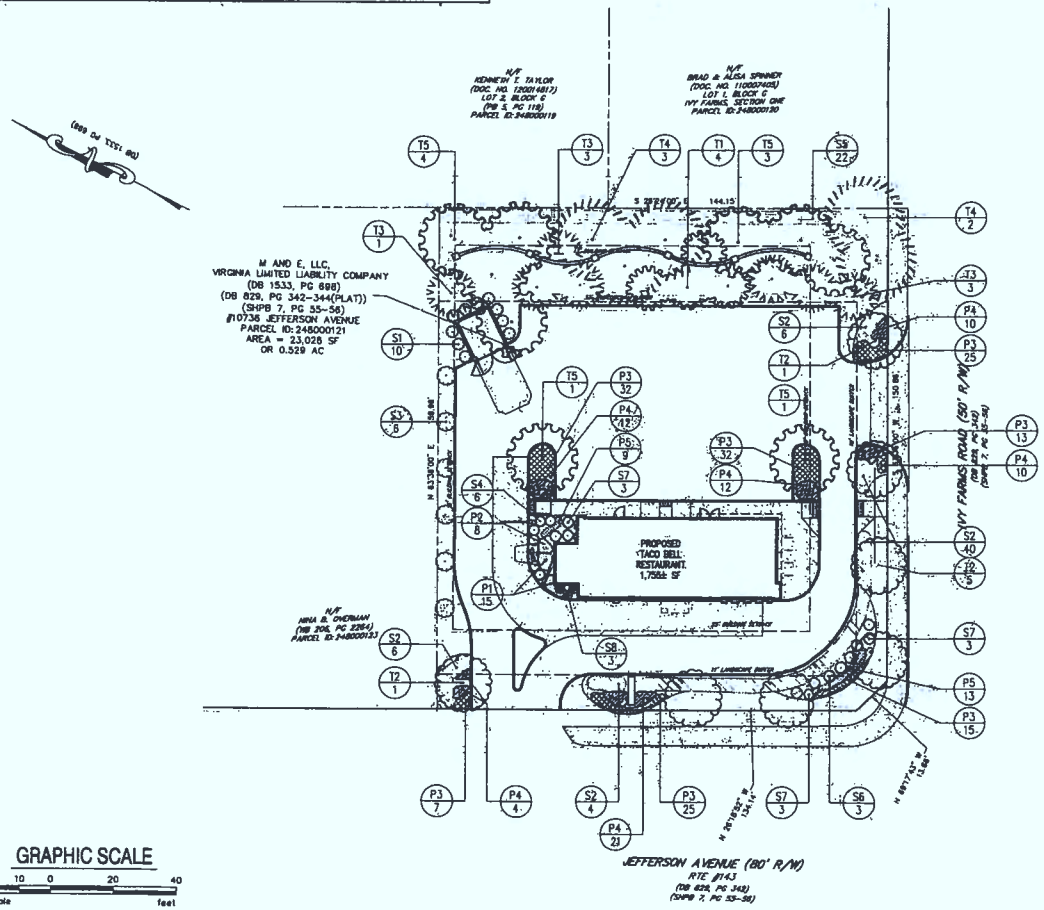
> ALL EXISTING TREES TO REMAIN, LOCATED WITHIN 50' OF THE LIMITS OF CONSTRUCTION MUST BE PROTECTED IN ACCORDANCE WITH SECTION 33.02-51(b)(1)(a) SITE REGULATION S ORDINANCE OF THE CITY OF NEWPORT NEWS, VIRGINIA.

> PRIOR TO THE INSTALLATION OF THE LAND SCAPING MATERIALS, AN INSPECTION WITH THE DEPARTMENT OF ENGINEERING INSPECTOR IS REQUIRED. PLEASE CONTACT MARK LINKENHOKER OF CONSTRUCTION INSPECTION AT 269-2476.

PLANT KEY

KEY	QTY.	BOTANICAL NAME / COMMON NAME	MINIMUM SIZE	NOTES
T1	4	*Ilex x attenuata* 'East Palatka' EAST PALATKA HOLLY	8 - 10' HT.	FULL
T2	7	*Lagerstroemia* 'Regal Red' REGAL RED CRAPE MYRTLE	8 - 10' HT.	MATCHING, SPECIMEN
T3	7	*Magnolia grandiflora* 'Little Gem' LITTLE GEM MAGNOLIA	2 - 2 1/2" CAL. 8 - 10' HT.	FULL
T4	8	*Quercus rubra* RED OAK	2 - 2 1/2" CAL. 8 - 10' HT.	SINGLE LEADER
T5	9	*Ulmus parvifolia* LACEBARK ELM	2 - 2 1/2" CAL. 8 - 10' HT.	SINGLE LEADER
S1	10	*Cleyera japonica* JAPANESE CLEYERA	24 - 36" HT.*	4' O.C.
S2	56	*Ilex vomitoria* 'Nana' DWARF YAUPON HOLLY	18 - 24" SPRD.*	3' O.C.
S3	8	*Juniperus chinensis* 'Torulosa' HOLLYWOOD JUNIPER	5 - 6' HT. *	SPECIMEN
S4	6	*Juniperus horizontalis* 'Wilton' BLUE RUG JUNIPER	15 - 18" SPRD.*	4' O.C.
S5	22	*Myrica cerifera* WAX MYRTLE	4 - 5' HT.*	FULL 8' O.C.
S6	3	*Nerium oleander* (red) RED FLOWERING OLEANDER	24 - 36" HT.*	4' O.C.
S7	9	*Spiraea japonica* 'Little Princess' LITTLE PRINCESS SPIREA	18 - 24" SPRD.*	4' O.C.
S8	3	*Yucca filamentosa* ADAM'S NEEDLE	3 GALLON	30" O.C.
P1	15	*Delosperma nubigenum* YELLOW ICE PLANT	1 GAL.	18" O.C.
P2	8	*Dianthus gratianopolitanus* 'Bath's Pink' BATH'S PINK DIANTHUS	1 GAL.	18" O.C.
P3	149	*Liriope muscari* 'Variegata' VARIEGATED LIRIOPE	1 GAL. MIN. 5 BIBS	18" O.C.
P4	69	*Verbena canadensis* 'Homestead Purple' HOMESTEAD PURPLE VERBENA	1 GAL.	18" O.C.
P5	22	*Veronica* 'Sunny Border Blue' SUNNY BORDER BLUE VERONICA	1 GAL.	18" O.C.

* NOTE: ALL SHRUBS MINIMUM 3 GALLON.



GRAPHIC SCALE

20 10 0 20 40

scale feet

LANDSCAPE INSTALLATION NOTES

1. The Contractor is required to contact "Miss Utility" (phone 1-800-552-7001) 48 hours prior to the commencement of work on site. No work is to begin until all utilities are marked. If utility clashes conflicts are evident, please contact Landscape Designer.
2. Verification of the accuracy of the total quantities shown in the "Plant Key" shall be the responsibility of the Contractor. In the event of discrepancy, the planting plan shall govern.
3. All plants shall be nursery grown, well-branched, true to type specimen material, free of insect infestation, injury, disease or other defects. Plants are to conform to standards set in American Standard for Nursery Stock and shall meet or exceed measurements specified in the plant key.
4. The Contractor shall warrant all new plantings for a period of one year from the date of final acceptance. All replacement plants shall conform to original specifications. Where planting operations must be performed outside the normal planting season for the locality, this warranty may be renegotiated with the owner prior to planting.
5. Planting and bed preparation are to be conducted under favorable weather conditions. Under no circumstances shall soil be worked, driven over, or walked upon while in a wet condition.
6. The contractor is responsible for reporting to the owner any conditions deleterious to plant growth encountered on site during installation and warranty periods.
7. All plant varieties and layouts are to conform accurately to the landscape plan, subject to inspection. Groundcovers and perennials are to planted in a staggered arrangement and not in rows.
8. Prior to mulching, install water-permeable weed block fabric according to accepted horticultural practices in all mulched bed areas.
9. All landscape beds are to be edged with a continuous metal edger, painted dark green, between planting beds and lawn or gravel areas. Plastic edging material is not permitted.
10. All plantings are to be provided with a 3" depth of shredded hardwood bark mulch (2" depth in groundcover areas), finish in bedlines where shown. Hedges are to be mulched as continuous beds of the width shown on plan (plants are not to be mulched individually). Trees shall be mulched within a minimum two and one half (2 1/2)-foot radius of each trunk. Remulch existing plantings. No mulch is to be placed in plant crowns or against tree trunks.
11. Remove the burlap and twine from the top 1/3 of all B&B root balls. No plastic twine or burlap shall be permitted on B&B plants.
12. Stake trees as follows: A. All trees 3" caliper and greater and B. All evergreen branched to ground (i.e. Leyland Cypress, etc.). Contractor is required to UNSTAKE TREES in a timely manner within the year following final acceptance to ensure trees are not damaged by staking wire.
13. Do not wrap tree trunks. Do not use "tree tested paint".
14. All grass areas not designated otherwise are to be sodded with bahiagrass. See sod notes for details.
15. Contractor is responsible for watering and insect control until the date of final inspection. Replanting, when resulting from site disturbance by others, shall be at additional charge
16. The work area is to be kept reasonably neat and clean and all debris hauled away and disposed of legally, off site, in a timely manner.
17. If any conflict should arise between these specifications and those of local specifications for this project, the local specifications shall govern.
18. Any plant substitutions proposed require the approval of the Landscape Designer and the City of Newport News.

SOD NOTES

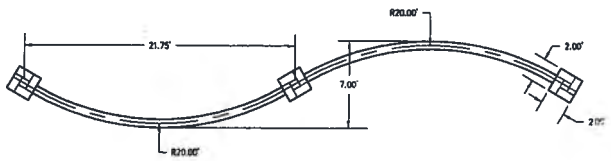
1. All grass areas not designated otherwise are to be sodded with bahiagrass.
2. The class of sod used shall be Virginia Approved Sod suitable for multi-use turf areas as specified by The U. S. Department of Agriculture for Soil Conservation.
3. Approved sod of Fescue grass shall be used. Fescue varieties of Titan II, Falcon II, Shenandoah, or Southern Belle blends will be accepted. The sod shall be inspected and certified to assure overall high quality and freedom from undesirable weeds as well as excessive amounts of other crop and woody plants at the time of harvest. The sod shall be mature cut at a uniform soil thickness of one inch. Measurement of thickness shall exclude top growth and thatch. Sod shall be cut and moved only when soil moisture conditions are such that favorable results can be expected.
4. Sod shall be harvested and installed within a period of twenty-four (24) hours. Sod shall be tightly rolled during transport and storage. Sod shall be kept moist at all times and shall be protected from exposure to the air and sun. Sod that has been damaged by poor handling or improper storage shall not be acceptable.
5. Perform turf work only after landscape planting and other ground-disturbing work has been completed.
6. Fertilizer shall have an analysis of 10-20-10 and be of uniform composition, free flowing and suitable for application with approved equipment.
7. Fertilizer shall be broadcast uniformly at the rate determined by soil testing recommendations, and shall be worked into the top three inches of soil by tilling.
8. Areas to be sodded shall be provided with a minimum depth of 4 inches of topsoil. They shall be tilled to a minimum depth of three inches, raked to ensure a proper grade and positive drainage, rolled in two directions perpendicular to each other with a light roller, and finely raked.
9. Sod shall be laid smoothly, edge to edge, and with staggered joints. Sod shall be pressed immediately into firm contact with the soil by tamping or rolling with equipment so as to eliminate all air pockets, provide a true and even surface, and assure bedding without displacement of the sod or deformation of the surfaces of the sod areas. Care shall be exercised to ensure that the sod is not stretched or overlapped and that all joints are butted tightly.
10. During seeding operations the work area is to be kept reasonably neat and clean and all debris and surplus materials shall be hauled away and disposed of legally, off site, in a timely manner.
11. The Contractor shall water and immediately after installation and as necessary during the maintenance period to ensure continuous moisture to allow rapid establishment.
12. For sodded areas, a warranty period of ninety (90) days is required after a Substantial Completion Notice has been issued.
13. The contractor is responsible for watering and mowing until the date the Substantial Completion Notice is issued. He or she shall provide, at no additional charge to the client, appropriate equipment for irrigation and mowing. Replanting, when resulting from site disturbance by others, shall be at additional charge.
14. The first mowing shall not be attempted until the sod is firmly rooted, occurred in place, and grass height has reached 2 1/2 inches.

Blakeway Corp
surveying | engineering | project management
711 BRIDGEFORD CIRCLE, SUITE 100
VIRGINIA BEACH, VIRGINIA 23452
TEL: 757-226-9661
FAX: 757-226-9761

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		

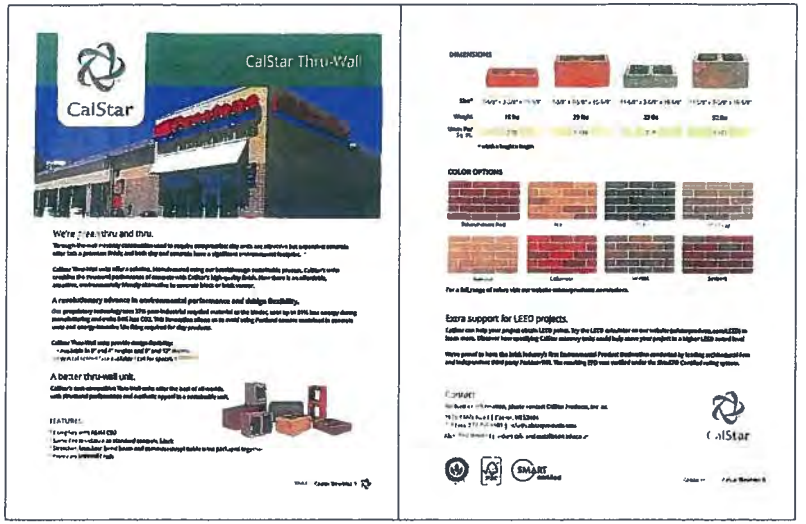
DATE ISSUED: 04-17-14
DRAWN BY: CAF
REVIEWED BY: SMB
DESIGNED BY: SMB

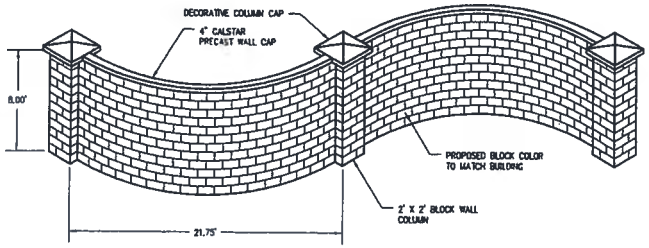
LOCATION: JEFFERSON AVENUE
SHEET TITLE: CUP LANDSCAPE PLAN
PROJECT #
SITE ADDRESS: 10736 Jefferson Avenue, Newport News, VA
SHEET NO.: CUP
CONCEPT PLAN



SERPENTINE WALL PLAN VIEW

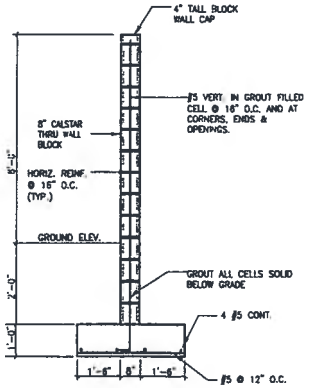
NOT TO SCALE





SERPENTINE WALL FRONT VIEW

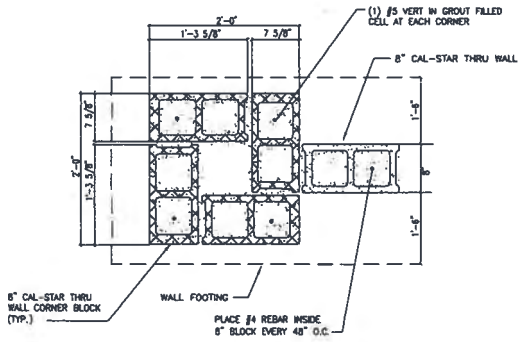
NOT TO SCALE



SECTION B-B

WALL SECTION

NOT TO SCALE



BLOCK COLUMN DETAIL

NOT TO SCALE

BlakewayCorp
surveying | engineering | project management
738 INDEPENDENCE CIRCLE, SUITE 100
VIRGINIA BEACH, VIRGINIA 23462
PH. 757-329-4400
FAX 757-329-4401

DESIGNED BY	SMB
DRAWN BY	GAF
CHECKED BY	SMB
DATE	04-15-14

LOCATION: JEFFERSON AVENUE

SHEET TITLE: PRELIMINARY CUP WALL DETAIL

PROJECT #

SITE ADDRESS: 10738 Jefferson Avenue, Newport News, VA

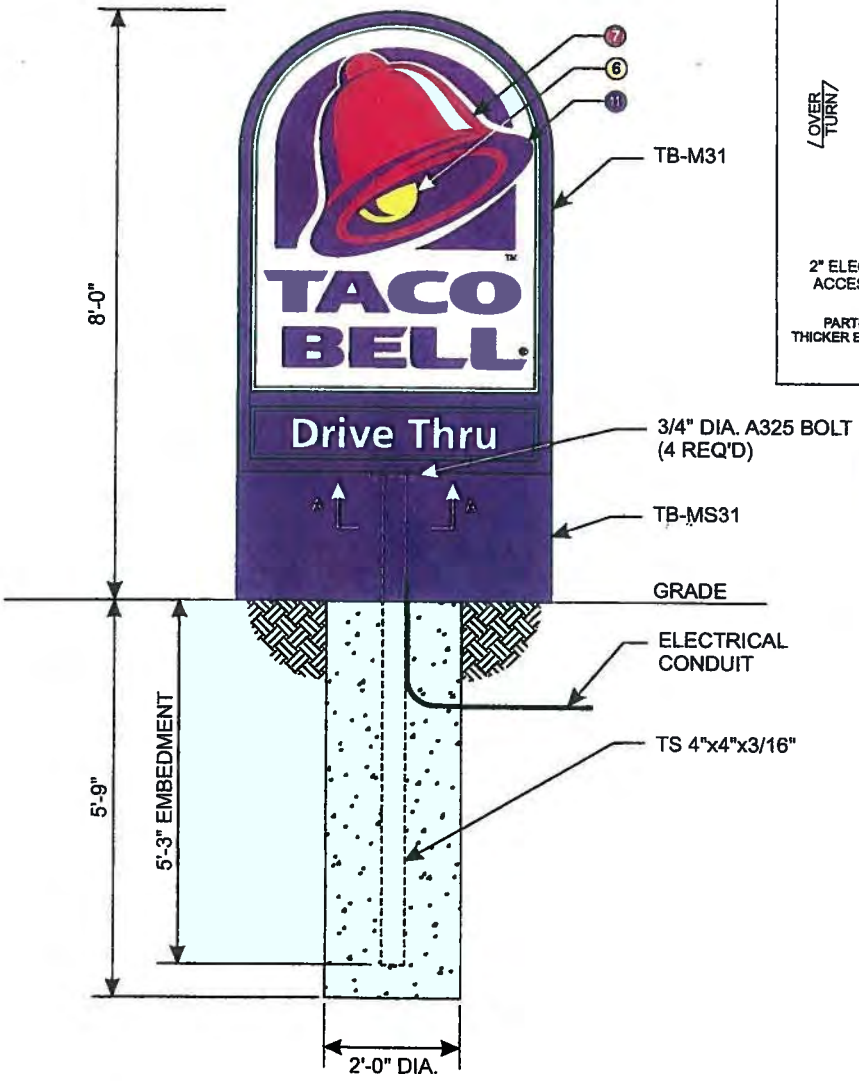
SHEET NO.: CUP

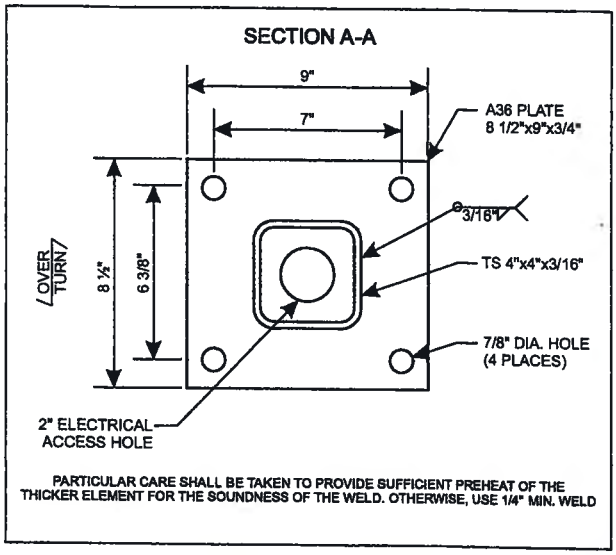
WALL DETAIL

Taco Bell - Monument Sign

V-304

NW SIGN INDUSTRIES
BETTER FASTER SMARTER





SPECIFICATIONS

DESIGN PARAMETERS

- **Structural adequacy shall be the manufacturer's responsibility using the following criteria:**
- 100 MPH 3 second gust wind speed, Exposure C, Category II.
- 300 PSF per foot of depth allowable lateral soil bearing pressure.
- Compliant with national building codes and standards (IBC 2009, AISC 13th Edition, ASCE 7-05, ACI & Aluminum Design Manual).
- Refer to written documentation for material specifications.

DIRECTIONAL:

- Extruded aluminum frame, 10" deep with 1 1/2" retainers
- Aluminum painted fillers
- .125 pan-formed and embossed SG polycarbonate face with retention strips
- Approximate weight: 325 lbs.

ELECTRICAL SPECIFICATIONS

UL & NEC approval required.

Lamp(s):	(4) F48T12DSGN50/HO (2) F42T12DSGN50/HO (2) F36T12DSGN50/HO
Ballast(s)	(2) 4-lamp electronic ballast (1.7 amps each)
Total Load:	3.4 amps
Circuits(s):	(1) 20 amp-120V

GRAPHIC & COLOR SPECIFICATIONS:

1. TB Bronze Tiger Drylac 49-66230 C33
2. Plum PMS 2685U
3. Amber Wave SW-6657 PMS 138U
4. PMS 131U
5. PMS 139U
6. Yellow PMS 108U
7. Pantone Process Magenta U
8. Pantone Violet U
9. Pantone Black
10. Benjamin Moore Bavarian Creme White #2146-70
11. Violet 3M Vinyl 3630-9126
12. White Matte - Cabinet Interior

NOT FOR CONSTRUCTION
DECEMBER 2012

E. Public Hearings

3. Ordinance Authorizing Sign Ordinance Amendment, Sign-14-83, City of Newport News, to Delete the Definition of Animated Sign and its Related Regulations and Add the Definitions of Nit, Electronic Display and Marquee Signs; and Add New Regulations for Electronic Display Signs (Sections 33.01-1, 33.01-6, 33.01-8 and 33.01-6.1)

ACTION: A REQUEST TO ADOPT SIGN ORDINANCE AMENDMENT, SIGN-14-83, AMENDING CITY CODE, CHAPTER 33.01, SIGNS; ARTICLE I., GENERAL REGULATIONS, SECTION 33.01-1, DEFINITIONS; SECTION 33.01-6 PERMITTED SIGNS; NUMBER, SIGN AREA, HEIGHT AND PLACEMENT; SECTION 33.01-8, PROHIBITED SIGNS; AND BY ADDING A NEW SECTION, NAMELY: SECTION 33.01-6.1, ELECTRONIC DISPLAY SIGNS

BACKGROUND: The proposed amendments update the sign code to clearly define electronic display signs and add a new section regulating their location, permitting requirements, size, brightness, message rotation, and hours of operation. Because this new language updates the code regarding animated signs and readerboards, the definition of animated sign and its associated regulations are being deleted.

The amendments also adjust the maximum height regulations for freestanding signs for to 10 feet. Ground sign height is changed to 6 feet.

Finally, the amendments remove a section of the sign code allowing the Director of Codes Compliance discretionary authority to increase sign size and height.

On May 7, 2014, the City Planning Commission voted unanimously 8:0 to recommend approval of this request.

Vote on Roll Call
For: Austin, Carpenter, Cherry, Jones, Mulvaney, Roberts, Simmons, Willis
Abstention: None

The City Manager recommends approval.

FISCAL IMPACT:

Supporting Material

CM Memo re Sign-14-83
Staff Report and CPC Meeting Minutes
Electronic Display Comparison Pic

sdm11963 Signs and Electronic Displays

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: SIGN-14-83, City of Newport News

The request is to amend City Code, Chapter 33.01, Signs, by deleting the definition of animated sign and its related regulations and adding the definitions of nit, electronic display and marquee signs (Section 33.01-1 and 33.01-8); reducing the maximum sign heights for multiple-family dwelling facilities, community facilities in residential districts and commercial/industrial uses, and deleting the Director of Codes Compliance's authority to increase sign size and height for commercial/industrial uses (Section 33.01-6); and adding a new section with regulations for electronic display signs (Section 33.01-6.1).

The proposed changes will allow the use of current technologies in a fair and consistent manner. The amendments will provide a consistent regulatory environment for property owners and, over time, prevent sign clutter along the city's commercial corridors and enhance the city's visual environment.

On May 7, 2014, the City Planning Commission voted unanimously 8:0 to recommend approval of the sign ordinance amendments. The proposed amendments were discussed at your work session of May 27, 2014.

I concur with the Planning Commission's recommendation with one exception. I recommend that City Council delete the electronic display sign area limitation of 25% of the total area of the sign face stipulated in Section 33.01-6.1(d)(3) which will result in a single electronic display sign area requirement of up to 24 square feet per sign face.

James M. Bourey

James M. Bourey

JMB:ckc

Attachment

SIGN ORDINANCE AMENDMENT SIGN-14-83 CITY OF NEWPORT NEWS

BACKGROUND

The request is to amend Chapter 33.01, Signs, by deleting the definition of animated sign and its related regulations and adding the definitions of nit, electronic display and marquee signs (Sections 33.01-1 and 33.01-8); reducing the maximum sign heights for multiple-family dwelling facilities, community facilities in residential districts and commercial/industrial uses (Section 33.01-6); and adding new regulations for electronic display signs (Sections 33.01-6.1).

There is increasing interest in electronic display signs in the city. In order to enhance the city's visual landscape, our sign code should reflect current technologies while creating a fair and consistent regulatory environment. Under the current sign ordinance, sign permits have been issued for electronic signs as readerboards. Animated signs are prohibited except for a cylindrical shape sign with internal movement (barber pole). Once it was obvious that this was a growing issue, steps were taken to develop fair regulations to permit electronic display signs but limit the message movement and animation by requiring a static message for no less than 5 seconds. Along with size, brightness and hours of operation, the proposed regulations will protect the visual landscape of our commercial corridors and protect the safety of the traveling public from distracting visual sign clutter.

This amendment adds language that clearly defines electronic display and marquee signs and adds a new section regulating their location, permitting requirements, size, brightness, message rotation, and hours of operation. Because the definition and associated regulations update current language used in the code regarding animated signs and readerboards, the definition of animated sign and its associated regulations are being deleted. (See Appendix A-1.)

The second objective of the ordinance is to adjust the height regulations for freestanding and ground signs. The Planning Commission and City Council have consistently applied lower height conditions on signs as part of their review of rezoning and conditional use permit applications. The intent of this amendment is to formalize the requirement by reducing the maximum height for signs for multiple-family dwellings from fifteen (15) feet to ten (10) feet; for community facilities in residential districts from fifteen (15) to ten (10) feet; and for commercial/industrial uses from thirty (30) to ten (10) feet. The ordinance also changes the ground sign definition to increase the height from five (5) to six (6) feet. (See Appendix A-1.)

Finally, the ordinance change removes a section allowing the Director of Codes Compliance authorization to increase sign size and height for commercial/industrial uses. Such discretionary authority was originally created for larger parcels with sufficient street frontage for multiple signs. The code has been amended to permit Planned Development Flexibility Option for certain large scale developments after

review and approval by the Planning Commission and City Council. Therefore, this section serves little purpose and has seldom been used.

Making these changes will, over time, prevent sign clutter along the city's commercial corridors and accomplish a *Framework for the Future 2030* comprehensive plan goal to enhance the city's visual environment.

On February 19, March 19 and April 16, 2014, the Regulations Committee reviewed and recommends approval of the above referenced sign ordinance amendments.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of the Sign Ordinance amendment to Chapter 33.01, Signs, Article I., General Regulations, Section 33.01-1, Definitions; Section 33.01-6, Permitted Signs; Number, Sign Area, Height and Placement; Section 33.01-8, Prohibited Signs; and add a new Section 33.01-6.1, Electronic Display Signs.

CPC RECOMMENDATION

On May 7, 2014, the City Planning Commission voted unanimously (8:0) to recommend adoption of the sign ordinance amendment to the City Council.

APPENDIX

A-1 CHAPTER 33.01, SIGNS., ARTICLE I., GENERAL REGULATIONS, SECTION 33.01-1, DEFINITIONS; SECTION 33.01-6, PERMITTED SIGNS; NUMBER, SIGN AREA, HEIGHT AND PLACEMENT; SECTION 33.01-8, PROHIBITED SIGNS; AND ADD A NEW SECTION 33.01-6.1, ELECTRONIC DISPLAY SIGNS.

A-2 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 7, 2014

dm11963

DRAFT

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33.01, SIGNS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., GENERAL REGULATIONS, SECTION 33.01-1, DEFINITIONS; SECTION 33.01-6, PERMITTED SIGNS; NUMBER, SIGN AREA, HEIGHT AND PLACEMENT; SECTION 33.01-8, PROHIBITED SIGNS; AND BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 33.01-6.1, ELECTRONIC DISPLAY SIGNS.

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

That Chapter 33.01, Signs, of the Code of the City of Newport News, Virginia, Article I., General Regulations, Section 33.01-1, Definitions; Section 33.01-6, Permitted signs; number, sign area, height and placement; Section 33.01-8, Prohibited signs, be, and the same hereby is, amended and reordained, and by adding thereto a new section, namely: Section 33.01-6.1, Electronic display signs, as follows:

CHAPTER 33.01

SIGNS

ARTICLE I. GENERAL REGULATIONS

Sec. 33.01-3. Definitions.

As used in this chapter, the following terms shall mean:

~~*Animated sign.* A sign utilizing any form of movement, including, without limitation, animation, revolution, vertical or horizontal motion, whether electrical, mechanical, wind-blown, or through change in lighting.~~

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid material on a supporting framework (compare "canopy").

Awning sign. A sign painted on, printed on or attached flat against the surface of an awning.

Banner sign. A sign made of fabric or any nonrigid material with no enclosing framework.

Building sign. A sign physically inscribed upon, affixed to or supported by a building

including, without limitation, awning signs, canopy signs, nameplate signs, projecting signs and wall signs, but excluding window signs.

Business/office directories. A nonadvertising sign, attached to a wall or mounted on a pole, that lists the building occupants.

Canopy. A permanent, roof-like structure of rigid materials either supported by and extending from a building or freestanding, including marquees and porte cocheres (drive-under canopies).

Canopy sign. A sign attached to or displayed on a canopy.
Commercial/industrial uses. The uses that are set out in all zoning districts, except residential districts, as adopted in the Zoning Ordinance. Home occupations, which are an accessory use to main residential uses, are not to be considered commercial/industrial uses.

Community facility. A non-commercial facility which provides a public service, or selected semi-public uses customarily associated with residential communities (e.g., a neighborhood association recreational facility) which offer services of an educational, recreational or religious nature.

Construction sign. A temporary sign denoting the name of a project and/or the name(s) of the architect(s), contractor(s), developer(s), engineer(s), prospective tenant(s) or occupant(s), and/or project financier(s) of a tract, building or structure being developed or under construction.

Developed site. An area of improved property that independently meets all requirements of the site plan ordinance. This definition includes entire shopping centers, malls, office complexes, etc., or such portions thereof, which independently meet all such requirements. This term shall be interpreted to include premises which met all requirements of the site plan ordinance at the time such premises were developed or were improved prior to the adoption of the site plan ordinance.

Directional/informational sign. A sign giving directions, instructions and/or facility information, but containing no advertising copy, (e.g., parking or exit and entrance signs).

Dwelling unit. A single residential unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, eating, cooking and sanitation.

Dwelling, detached single-family. A building containing one (1) dwelling unit, surrounded by a yard. Manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of temporary or portable housing are not included within this definition.

Dwelling, duplex. A building containing two (2) dwelling units surrounded by a yard.

Dwelling, multiple-family. A building (other than one containing townhouses) containing three (3) or more dwelling units.

Dwelling, townhouses. A building containing three (3) or more dwelling units with each having its own front and rear or side access to the outside and where each dwelling may be located on a separate lot.

Electronic display signs. A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign. The term shall not include signs on which lights or other illumination devices display only the temperature or time of day in alternating cycles or motor vehicle fuel prices displayed continuously.

Festoons. A string of ribbons, tinsel, small flags, pennants, pinwheels, or similar devices.

Flashing light. A device which contains an intermittent or sequential light source used primarily to attract attention. Such a device is deemed to be a sign.

Flashing sign. A sign utilizing lighting effects simulating motion.

Freestanding sign. A sign supported upon the ground by poles, braces or other structures and not structurally supported by any building or canopy.

Frontage, building. The length or width of each side of a building which side either faces a public right-of-way or provides public access into the building.

Frontage, store. An individual store's or business' portion of building frontage.

Frontage, street. The length of the property line of a developed site along the public street(s) on which it borders.

Ground sign. A freestanding sign not greater than ~~five (5)~~six (6) feet in height.

Height (of a freestanding sign). The vertical distance measured from the highest point of the sign structure to the top of the curb (or edge of pavement where no curb exists) at that point of the immediately adjacent street where direct access to the developed site served by the sign is provided.

Illegal sign. A sign which does not meet the requirements of this chapter.

Maintenance. For the purposes of this chapter, the cleaning, painting, repair and/or replacement of parts of a sign and/or the sign structure.

Marquee sign. A permanent building sign structure fixed to an area other than the roof supported by and projected from the building over an entrance to a theater or convention center providing changeable copy that relates to the principal use on the premises.

Multiple-family dwelling facility. A developed site containing two (2) or more duplex dwellings and/or multiple-family dwellings.

Nameplate. A sign giving only the name, address and/or occupation of an occupant or group of occupants and which is not internally illuminated.

Nit. A unit of illuminative brightness.

Off-premises sign. A sign identifying and/or advertising an establishment, merchandise, service, activity or entertainment, which is not located, sold, produced, manufactured or furnished at the premises on which said sign is located.

On-premises sign. A sign identifying and/or advertising an establishment, merchandise, service, activity or entertainment, which is located, sold, produced, manufactured or furnished at the developed site on which said sign is located.

Owner. The holder of title in fee simple; and/or any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. For the purposes of this chapter, the owner of premises on which a sign is located is presumed to be the owner of the sign unless acts to the contrary are officially recorded or otherwise brought to the attention of the zoning administrator, (e.g., a sign leased from a sign company).

Point of purchase display. Advertising of a retail item displayed on the product or the product's dispenser. Vehicles used for the delivery of products shall not be deemed to be a product dispenser.

Portable sign. A freestanding sign that is trailer mounted, or otherwise designed to be relocated, or is constructed on a chassis or carriage with permanent or removable wheels, and has an area not exceeding sixty (60) square feet on each of two (2) parallel sides.

Premises. An area of single or contiguous lots under common ownership along with any building(s) or structure(s) occupying it.

Projecting sign. A sign other than a wall sign that is attached to a wall or suspended from a pedestrian protection overhang. (See wall sign.)

Readerboard. A sign structure on which copy, graphics, etc. can be changed manually in the field or automatically through mechanical or electrical means.

Real estate sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Revolving sign. A sign in which the sign itself or any portion thereof moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Setback. The minimum required distance from a specified property line of the developed site or premises upon which a sign is located to that part of the sign structure closest to said property line.

Sign. A structure, wall or other object, or such portion thereof, used for the display of any information or message, including, without limitation, any device, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, services, activity or entertainment; provided, however, that this definition shall not include works of art or temporary holiday decorations that do not convey a commercial message. (See also "flashing light.")

Sign regulations. The provisions of this Chapter 33.01.
Subdivision identification sign. A freestanding or wall sign identifying a residential subdivision.

Temporary sign. A sign not intended for permanent use.

Townhouse. See dwelling, townhouse.

Vehicular sign. A sign on a bus, car, truck or trailer used for the purpose of advertising or identifying any establishment, product, goods or services.

Wall sign. A sign painted on, or attached to, and erected parallel to the face of an outside wall of a building, and not projecting more than eighteen (18) inches from the wall.

Window sign. A sign which is (1) physically affixed to a building window or (2) legible from any vehicular public right-of-way through a building window. For purposes of this chapter, any sign (including illuminated signs) located inside a building and otherwise legible from any vehicular public right-of-way shall be deemed not to be a "window sign" if such sign (1) is less than six (6) square feet in area, (2) is located at least ten (10) feet away from such window(s) through which it is viewed, and (3) is intended for conveying information or advertising primarily to persons inside such building (e.g., menus, "tavern signs," product posters, etc.)

Sec. 33.01-6. Permitted signs; number, sign area, height and placement.

(a) The provisions of this section govern signs permitted to be displayed within the city and also prescribe their number, sign area, height and placement. Additional permitted signs in the Regional Business District are identified in subsection 33.01-7(9) of this chapter.

(b) Residential uses shall be permitted the following signage:

(1) *Detached single-family dwellings, duplex dwellings and townhouse dwellings*: one "for sale" or "for rent" sign per lot not to exceed six (6) square feet in area shall be permitted subject to the following conditions:

a. Such sign shall not be located closer than five (5) feet from the paved portion of the adjacent public street. Maximum sign height shall be three (3) feet.

b. Notwithstanding the provisions of subsection a. immediately above, if such sign is located not less than fifteen (15) feet from the paved portion of the adjacent public street, the height of said sign shall be no greater than six (6) feet.

(2) *Multiple-family dwelling facilities*:

a. Freestanding sign(s) shall be permitted subject to the following conditions:

1. Three (3) freestanding signs are permitted for each premises used for a multiple-family dwelling facility with frontage on one or more public streets subject to the limitations imposed by the other provisions of this subsection (2).

2. One square foot of sign area shall be permitted per linear foot of public street frontage, provided the cumulative area for all freestanding signs for the facility shall not exceed seventy-five (75) square feet.

3. There shall be a minimum separation between all such signs measured along the frontage of the public street in accordance with the following conditions:

i. Every sign having an area between fifty (50) and seventy-five (75) square feet shall be separated from every adjacent freestanding sign (and structure) of lesser area on the developed site by not less than one hundred fifty (150)

feet; and

ii. Every sign less than fifty (50) square feet in area, shall be separated from every adjacent freestanding sign (and structure) of equal or lesser area on the developed site by at least one hundred twenty-five (125) feet.

4. Front yard setback: Signs shall not be located closer than fifteen (15) feet from the paved portion of the adjacent street, provided that in all cases signs shall be set back to at least the front property line.

5. The side yard and rear yard setbacks shall each be twenty-five (25) feet.

6. Maximum sign height shall be ~~fifteen (15)~~ten (10) feet.

b. If no freestanding signs are erected for a multiple-family dwelling facility, such facility may erect a building sign or signs, the total area of which shall not exceed one hundred (100) square feet.

(c) Community facilities in residential districts shall be permitted the following signage:

(1) Freestanding sign(s) shall be permitted subject to the following conditions:

a. Three (3) freestanding signs are permitted for each developed site used for a community facility with frontage on one or more public streets subject to the limitations imposed by the other provisions of this subsection (1).

b. One square foot of sign area shall be permitted per linear foot of public street frontage, provided the cumulative area for all freestanding signs for the facility shall not exceed seventy-five (75) square feet.

c. There shall be a minimum separation between all such signs measured along the frontage of the public street in accordance with the following conditions:

1. Every sign having an area between fifty (50) and seventy-five (75) square feet shall be separated from every adjacent freestanding sign (and structure) of lesser area on the developed site by not less than one hundred fifty (150) feet; and

2. Every sign less than fifty (50) square feet in area, shall be separated from every adjacent freestanding sign (and structure) of equal or

lesser area on the developed site by at least one hundred twenty-five (125) feet.

d. Front yard setback: Signs shall not be located closer than fifteen (15) feet from the paved portion of the adjacent street, provided that in all cases signs shall be set back to at least the front property line.

e. The side yard and rear yard setbacks shall each be twenty-five (25) feet.

f. Maximum sign height shall be ~~fifteen (15)~~ten (10) feet.

(2) Building sign(s) shall be permitted subject to the following conditions:

a. The accumulative building sign area shall not exceed one hundred (100) square feet.

b. In addition to the sign area permitted in subsection a. immediately above, if the total sign area allowance for freestanding signs for the facility has not been used, the area difference between the permitted freestanding sign allowance and that actually used may be used for the building sign(s).

(3) Window sign(s) shall be permitted subject to the following conditions:

a. Window signs shall be displayed only on the ground floor of buildings.

b. Window signs, which are in whole or in part illuminated or designed to be illuminated by an electrical service, shall be counted as a part of allotted building sign area. Sign permits shall be required for such signs.

c. Window signs which do not exceed twenty-five (25) percent of each individual window opening (determined individually and not collectively) shall be permitted. Sign permits shall not be required for this signage except for window signs described in subsection b. immediately above.

d. If window signage exceeds the twenty-five (25) percent limitation contained in subsection c. immediately above, whether for any one or more window openings, all of the window signage for a building (or for a given storefront, if applicable) shall meet all requirements applicable to display of building signs including the requirement to secure a sign permit.

(d) Commercial/Industrial uses shall be permitted the following signage:

(1) Freestanding sign(s) shall be permitted subject to the following conditions:

a. One freestanding sign is permitted for each developed site with frontage on one or more public streets. For developed sites with more than one hundred fifty (150) feet of public street frontage, one additional freestanding sign, not to exceed three (3) additional signs, is allowed for each additional increment of public street frontage of at least one hundred fifty (150) feet. Two (2) ground signs may be substituted for each permitted freestanding sign.

b. With the exception of those signs regulated by the Hilton Village Architectural Review Board which are in compliance with the current approved design guidelines for the Hilton Village Commercial Area, the total permitted sign area for all free-standing signs shall be computed in the following manner:

1. For the first one hundred fifty (150) feet of public street frontage, seventy-five hundredths (0.75) square feet of sign area per linear foot of public street frontage shall be permitted, plus

2. For that portion of public street frontage between one hundred fifty (150) and three hundred (300) feet, fifty hundredths (0.50) square feet of sign area per linear foot of such excess portion of public street frontage shall be permitted, plus

3. For that portion of public street frontage in excess of three hundred (300) feet, twenty-five hundredths (0.25) square feet of sign area per linear foot of such excess portion of public street frontage shall be permitted.

c. There shall be a minimum separation between all such signs measured along the frontage of the public street in accordance with the following conditions:

1. Every sign having an area between seventy-five (75) square feet and one hundred (100) square feet shall be separated from every adjacent freestanding sign (and structure) on the developed site by not less than one hundred seventy-five (175) feet; and

2. Every sign having an area between fifty (50) and seventy-five (75) square feet shall be separated from every adjacent freestanding sign (and structure) of equal or lesser area on the developed site by not less than one hundred fifty (150) feet; and

3. Every sign less than fifty (50) square feet in area, shall be separated

from every adjacent freestanding sign (and structure) of equal or lesser area on the developed site by at least one hundred twenty-five (125) feet.

d. No freestanding sign shall exceed an area of one hundred (100) square feet except as provided in subsection h. below.

e. Except as otherwise permitted in section 33.01-4.e.(2), no freestanding or ground sign shall be erected closer than twenty-five (25) feet from the side and rear boundary defined for that developed site.

f. Front yard setback: Signs shall not be located closer than fifteen (15) feet from the paved portion of the adjacent street, provided that in all cases signs shall be set back to at least the front property line.

g. Maximum sign height shall be ~~thirty (30)~~ten (10) feet.

~~h. The director of codes compliance may authorize an increase to the permitted area or height of a sign upon application by the fee simple owner of the parcel on which the sign shall be erected provided that the parcel contains sufficient public street frontage for allowing multiple signs subject to the following conditions:~~

~~1. An additional fifty (50) square feet of sign area shall be allowed for each permitted sign not erected; and~~

~~2. An additional two (2) feet of sign height shall be allowed for each permitted sign not erected; and~~

~~3. Such sign(s) shall be separated by a minimum of 200 feet.~~

(2) With the exception of those signs regulated by the Hilton Village Architectural Review Board which are in compliance with the current approved design guidelines for the Hilton Village Commercial Area, building sign(s) shall be permitted subject to the following conditions:

a. Building sign area on each building frontage shall be limited to one square foot of sign area per linear foot of that building frontage. A building with more than one building frontage shall not combine nor transfer the sign area permitted any such "front"; each such "front" shall be limited to one square foot of sign area per its separate linear frontage.

b. Notwithstanding the provisions of subsection a. immediately above, sign

area not to exceed thirty-two (32) square feet shall be permitted when store or building frontage is less than thirty-two (32) linear feet.

c. Notwithstanding the provisions of subsections a. and b. immediately above, sign area permitted for freestanding signs, but not used on such signs, may be added to the permitted building sign area.

(3) Except as otherwise permitted in section 33.01-4.(e)(1)b, window sign(s) shall be permitted subject to the following conditions:

a. Window signs shall be displayed only on the ground floor of buildings.

b. Window signs, which are in whole or in part illuminated or designed to be illuminated by an electrical service, shall be counted as a part of allotted building sign area. Sign permits shall be required for such signs.

c. Window signs which do not exceed twenty-five (25) percent of each individual window opening (determined individually and not collectively) shall be permitted. Sign permits shall not be required for this signage except for window signs described in subsection b. immediately above.

d. If window signage exceeds the twenty-five (25) percent limitation contained in subsection c. immediately above, whether for one or more window openings, all of the window signage for a building (or for a given storefront, if applicable) shall meet all requirements applicable to display of building signs including the requirement to secure a sign permit.

(e) Community facilities in commercial/industrial districts shall be permitted the following signage:

The regulations for commercial/industrial uses shall apply to community facilities in commercial/industrial districts.

(f) Planned Development Flexibility Option: For purposes of providing flexibility and incentives for coordinated, well designed sign systems for large scale developments/facilities, special provisions varying the standards of the regulations set forth in this article may be approved by the Newport News City Council, after a recommendation by the Newport News Planning Commission, subject to the following:

(1) No action shall be taken on any application for placement of a sign under this subsection until the applicant shall have paid a filing fee to the city treasurer in the amount of eight hundred dollars ($800.00).

(2) The signage shall be for one of the following:

a. A mixed use development as defined in Chapter 45 of the Code with a mix of commercial, residential and office uses containing at least fifty (50) acres;

b. A neotraditional development within the Neotraditional Overlay District;

c. A hotel/conference center with a minimum of 150 guest rooms and which also contain a minimum of 50,000 square feet of conference space;

d. A medical center complex as defined in Chapter 45 of the Zoning Ordinance; or

e. A museum with more than 6,000 square feet of display area.

(3) A comprehensive sign plan that includes the following information in booklet form shall be submitted to the director of planning:

a. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs;

b. Proposed locations and number of proposed signs; and

c. Sign Illumination Plans which describe how the sign will be illuminated, provided:

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;

2. The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on surrounding residential properties;

3. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices; and

4. Plans for landscaping or architectural features to be used in conjunction with such illumination plans.

(4) The proposed signs shall meet the following criteria:

a. All signs shall be coordinated in terms of design features;

b. The maximum size shall be determined by city council based on the sign's design, location, proximity to other signs and any other factor appropriate under the circumstances. The maximum height of a freestanding sign shall not exceed 15 feet;

c. Readerboards shall not exceed 25% of the sign face; and

d. The signage shall be subject to such conditions as city council may deem reasonable.

(5) Off-premises signs may be permitted subject to any conditions imposed by city council and to the requirements set forth below:

a. The owner requesting an off-premises sign shall complete an off-premises sign application which can be obtained from the department of planning;

b. The application submittal shall include detailed plans identifying the location, design, dimensions and material of the proposed sign;

c. The application shall include a legally binding written agreement signed by the owner of the parcel or property upon which the sign is to be located or the holder of the right to place the sign, as the case may be, and the sign owner consenting to and authorizing the placement and location of the sign on the premises for the length of time that the sign is in use, for its maintenance and for its removal upon cessation of the development/facility that is the subject of the sign;

d. The approved off-premises sign to be erected shall be limited to a freestanding monument style or flag poles containing non-rigid banner signs and shall be in lieu of any freestanding sign on-premises of the development/facility seeking the off-premises sign;

e. The off-premises sign shall be located at an intersection where vehicles turn from a major street, as defined in the Subdivision Ordinance, to reach the facilities, as defined in subsection (f)(1) above;

f. The maximum size of the off-premises sign shall be determined by city council based on its design, location, proximity to other signs and any other factor appropriate under the circumstances. The maximum height of the off-premises sign shall be 15 feet for monument style sign and 30 feet for flagpoles, containing non-rigid banner signs;

g. The off-premises sign shall be located no closer than 100 feet to any on-

premises freestanding signs permitted on the property on which the on-premises sign is located; however, an off-premises sign may be collocated on an on-premises sign with permission of the property owner; and

h. Prior to installing an off-premises sign as permitted by this subsection, 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 sign owner with the city and maintained during the continued existence of the off-premises sign, in order to provide for its maintenance and removal as provided in subsection c. above.

Sec. 33.01-6.1. Electronic display signs.

(a) Electronic display signs shall conform to the provisions of this section, to all applicable general regulations as stated in Article I of this section, and to all applicable sign regulations of the district in which the electronic display sign is located; except, that such signs shall not be allowed as building signs, though electronic display marquee signs shall be permitted.

(b) Electronic display signs shall be permitted as free standing signs in the following manner:

(1) By right in conjunction with commercial and/or industrial uses, except that such non-conforming uses in residential districts may not use electronic signs;

(2) By conditional use permit in conjunction with multiple family facilities.

(c) No electronic display sign shall be allowed in conjunction with any use or establishment unless such use or establishment is allowed to have a freestanding sign under applicable district sign regulations, and no such sign shall be allowed in any historic district. In addition, notwithstanding the provisions of subsection (d)(8) of this section, no electronic display sign visible from any portion of a single or multiple family dwelling district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

(d) Electronic display signs shall conform to the following requirements:

(1) No more than one such sign shall be permitted on any developed site;

(2) No such sign shall exceed a height of eight (8) feet;

(3) The area encompassed by an electronic display sign shall not exceed the lesser of twenty-five percent (25%) of the total area of the sign face or twenty-four (24)

square feet per face.

(4) No such sign shall advertise or direct the attention of the general public to an establishment, business or service that is located on a separate site from the zoning lot on which the sign is located;

(5) The pixel pitch of the electronic display portion of such signs shall be nineteen (19) millimeters or smaller. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the pixel pitch has been factory pre-set at nineteen (19) millimeters or smaller.

(6) All electronic displays shall remain static for a period of at least five (5) seconds, and automatic change sequences shall be accomplished by means of instantaneous re-pixelization. Flashing, scrolling, blinking or any other type of intermittent illumination of elements of the display shall be prohibited;

(7) Audio speakers on, or electronically connected to, such signs shall be prohibited;

(8) The illumination of such signs shall be no greater than 10,000 nits from sunrise to sunset or 700 nits between sunset and sunrise, and shall be equipped with automatic brightness control which will operate at all times the display is lit, and which can further dim the display's brightness when ambient conditions do not require the maximum allowed brightness. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum intensity level and the owner/operator understands and agrees to these restrictions.

(9) The electronic service lines providing power to such signs shall be underground.

Sec. 33.01-8. Prohibited signs.

~~(a) Reserved.~~

~~(b) Animated signs shall be prohibited, provided that one (1) sign of cylindrical shape may be erected, installed or maintained at an individual place of business located in other than residential zoning districts, subject to the following criteria:~~

~~(1) The area of the sign as projected onto a flat plane shall be limited to a maximum of three (3) square feet.~~

~~(2) Only the interior of the sign may move or simulate motion.~~

~~(3) The sign shall contain no written message.~~

~~(4) The sign may be illuminated, but shall not have flashing or rotating lights, nor lights that simulate flashing or rotating lights.~~

~~(5) Where erected as a freestanding sign, or mounted on a structure supporting a freestanding sign, the sign shall be set back a minimum of ten (10) feet from the public right-of-way.~~

~~(6) Such signs may be attached to the front of a building provided that the sign does not overhang the public right-of-way.~~

~~(c) Reserved.~~

~~(d) Flashing lights and flashing signs shall be prohibited, provided that:~~

~~(1) Readerboards on which copy is changed automatically through electrical or mechanical means no more frequently than once every three (3) seconds shall be permitted, and~~

~~(2) This provision shall not apply to street clocks or time/temperature displays when changes in lighting occur only to indicate the change in time and/or temperature.~~

(~~c~~a) Except as otherwise expressly permitted by this chapter, off-premises signs shall be prohibited, provided however:

(1) Off-premises signs existing as of August 14, 1984 and erected pursuant to section 33.01-370 of the Code of Virginia (pertaining to outdoor displays along interstate and federal-aid highways) shall be permitted to remain.

(2) New off-premises signs shall be permitted along Interstate 64 and Interstate 664 only and under the following conditions:

a. Permitted only if the statutory provisions of the Code of Virginia 1950 (as amended), Title 33.01, Chapter 7, "Outdoor Advertising in Sight of Public Highways," are met.

b. Permitted only on undeveloped premises of at least three (3) acres and having not less than three hundred (300) feet of public street frontage.

c. Spaced no less than one thousand (1,000) feet apart.

d. Located no closer than five hundred (500) feet to the edge of an interchange.

e. Located no closer than seven hundred fifty (750) feet to any residential

district.

f. Maximum total sign area shall not exceed three hundred (300) square feet per undeveloped premises.

g. The front yard setback shall be ten (10) feet.

h. The side yard setback shall be twenty-five (25) feet.

i. Maximum height shall be forty (40) feet.

(~~f~~b) Except as otherwise permitted in this chapter, posters or temporary signs on any public property or public right-of-way, including those attached to trees, telephone poles, public benches, streetlights, or other objects, shall be prohibited.

(~~g~~c) Temporary signs, except as exempted in section 33.01-7.(8), including without limitation, flags, banners, pennants, festoons, and any other nonpermanent sign intended to call attention to, advertise or promote sales, special events, openings or similar events, shall be prohibited on any premises beyond the exterior of any building(s).

(~~h~~d) Vehicular signs on cars or trucks which are parked or located for the primary purpose of displaying said sign shall be prohibited.

(~~i~~e) Signs projecting above the top or ridge of any roof, or above the parapet if higher, shall be prohibited.

EXCERPTS FROM PLANNING COMMISSION MINUTES

May 7, 2014

Sign-14-83, City of Newport News Requests an amendment to Chapter 33.01 Signs, to delete the definition of animated sign and its related regulations and add the definitions of nit, electronic display and marquee signs; reduce maximum sign heights for multiple-family dwelling facilities, community facilities in residential districts, and commercial/industrial uses; and add new regulations for electronic display signs (Sections 33.01-1, 33.01-6. 33.01-8 and 33.01-6.1).

Claudia Cotton, Manager of Current Planning, presented the staff report (copy attached to record minutes).

There being no questions or comments, Mr. Jones opened and closed the public hearing.

Mr. Roberts made a motion to recommend adoption of sign ordinance amendment SIGN-14-83 to City Council, as recommended by staff. The motion was seconded by Mr. Carpenter.

Vote on Roll Call
For: Carpenter, Cherry, Austin, Willis, Simmons, Mulvaney, Roberts, Jones
Against: None
Abstention: None

The Planning Commission voted unanimously (8:0) to recommend adoption of sign ordinance amendment SIGN-14-83 to City Council.



8' height
24 sf display

14' height
32 sf display

sdm11963

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33.01, SIGNS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., GENERAL REGULATIONS, SECTION 33.01-1, DEFINITIONS; SECTION 33.01-6, PERMITTED SIGNS; NUMBER, SIGN AREA, HEIGHT AND PLACEMENT; SECTION 33.01-8, PROHIBITED SIGNS; AND BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 33.01-6.1, ELECTRONIC DISPLAY SIGNS.

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

That Chapter 33.01, Signs, of the Code of the City of Newport News, Virginia, Article I., General Regulations, Section 33.01-1, Definitions; Section 33.01-6, Permitted signs; number, sign area, height and placement; Section 33.01-8, Prohibited signs, be, and the same hereby is, amended and reordained, and by adding thereto a new section, namely: Section 33.01-6.1, Electronic display signs, as follows:

CHAPTER 33.01

SIGNS

ARTICLE I. GENERAL REGULATIONS

Sec. 33.01-3. Definitions.

As used in this chapter, the following terms shall mean:

~~*Animated sign*. A sign utilizing any form of movement, including, without limitation, animation, revolution, vertical or horizontal motion, whether electrical, mechanical, wind-blown, or through change in lighting.~~

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid material on a supporting framework (compare "canopy").

Awning sign. A sign painted on, printed on or attached flat against the surface of an awning.

Banner sign. A sign made of fabric or any nonrigid material with no enclosing framework.

Building sign. A sign physically inscribed upon, affixed to or supported by a building

including, without limitation, awning signs, canopy signs, nameplate signs, projecting signs and wall signs, but excluding window signs.

Business/office directories. A nonadvertising sign, attached to a wall or mounted on a pole, that lists the building occupants.

Canopy. A permanent, roof-like structure of rigid materials either supported by and extending from a building or freestanding, including marquees and porte cocheres (drive-under canopies).

Canopy sign. A sign attached to or displayed on a canopy.
Commercial/industrial uses. The uses that are set out in all zoning districts, except residential districts, as adopted in the Zoning Ordinance. Home occupations, which are an accessory use to main residential uses, are not to be considered commercial/industrial uses.

Community facility. A non-commercial facility which provides a public service, or selected semi-public uses customarily associated with residential communities (e.g., a neighborhood association recreational facility) which offer services of an educational, recreational or religious nature.

Construction sign. A temporary sign denoting the name of a project and/or the name(s) of the architect(s), contractor(s), developer(s), engineer(s), prospective tenant(s) or occupant(s), and/or project financier(s) of a tract, building or structure being developed or under construction.

Developed site. An area of improved property that independently meets all requirements of the site plan ordinance. This definition includes entire shopping centers, malls, office complexes, etc., or such portions thereof, which independently meet all such requirements. This term shall be interpreted to include premises which met all requirements of the site plan ordinance at the time such premises were developed or were improved prior to the adoption of the site plan ordinance.

Directional/informational sign. A sign giving directions, instructions and/or facility information, but containing no advertising copy, (e.g., parking or exit and entrance signs).

Dwelling unit. A single residential unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, eating, cooking and sanitation.

Dwelling, detached single-family. A building containing one (1) dwelling unit, surrounded by a yard. Manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of temporary or portable housing are not included within this definition.

Dwelling, duplex. A building containing two (2) dwelling units surrounded by a yard.

Dwelling, multiple-family. A building (other than one containing townhouses) containing three (3) or more dwelling units.

Dwelling, townhouses. A building containing three (3) or more dwelling units with each having its own front and rear or side access to the outside and where each dwelling may be located on a separate lot.

Electronic display signs. A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign. The term shall not include signs on which lights or other illumination devices display only the temperature or time of day in alternating cycles or motor vehicle fuel prices displayed continuously.

Festoons. A string of ribbons, tinsel, small flags, pennants, pinwheels, or similar devices.

Flashing light. A device which contains an intermittent or sequential light source used primarily to attract attention. Such a device is deemed to be a sign.

Flashing sign. A sign utilizing lighting effects simulating motion.

Freestanding sign. A sign supported upon the ground by poles, braces or other structures and not structurally supported by any building or canopy.

Frontage, building. The length or width of each side of a building which side either faces a public right-of-way or provides public access into the building.

Frontage, store. An individual store's or business' portion of building frontage.

Frontage, street. The length of the property line of a developed site along the public street(s) on which it borders.

Ground sign. A freestanding sign not greater than ~~five (5)~~six (6) feet in height.

Height (of a freestanding sign). The vertical distance measured from the highest point of the sign structure to the top of the curb (or edge of pavement where no curb exists) at that point of the immediately adjacent street where direct access to the developed site served by the sign is provided.

Illegal sign. A sign which does not meet the requirements of this chapter.

Maintenance. For the purposes of this chapter, the cleaning, painting, repair and/or replacement of parts of a sign and/or the sign structure.

Marquee sign. A permanent building sign structure fixed to an area other than the roof supported by and projected from the building over an entrance to a theater or convention center providing changeable copy that relates to the principal use on the premises.

Multiple-family dwelling facility. A developed site containing two (2) or more duplex dwellings and/or multiple-family dwellings.

Nameplate. A sign giving only the name, address and/or occupation of an occupant or group of occupants and which is not internally illuminated.

Nit. A unit of illuminative brightness.

Off-premises sign. A sign identifying and/or advertising an establishment, merchandise, service, activity or entertainment, which is not located, sold, produced, manufactured or furnished at the premises on which said sign is located.

On-premises sign. A sign identifying and/or advertising an establishment, merchandise, service, activity or entertainment, which is located, sold, produced, manufactured or furnished at the developed site on which said sign is located.

Owner. The holder of title in fee simple; and/or any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. For the purposes of this chapter, the owner of premises on which a sign is located is presumed to be the owner of the sign unless acts to the contrary are officially recorded or otherwise brought to the attention of the zoning administrator, (e.g., a sign leased from a sign company).

Point of purchase display. Advertising of a retail item displayed on the product or the product's dispenser. Vehicles used for the delivery of products shall not be deemed to be a product dispenser.

Portable sign. A freestanding sign that is trailer mounted, or otherwise designed to be relocated, or is constructed on a chassis or carriage with permanent or removable wheels, and has an area not exceeding sixty (60) square feet on each of two (2) parallel sides.

Premises. An area of single or contiguous lots under common ownership along with any building(s) or structure(s) occupying it.

Projecting sign. A sign other than a wall sign that is attached to a wall or suspended from a pedestrian protection overhang. (See wall sign.)

Readerboard. A sign structure on which copy, graphics, etc. can be changed manually in the field or automatically through mechanical or electrical means.

Real estate sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Revolving sign. A sign in which the sign itself or any portion thereof moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Setback. The minimum required distance from a specified property line of the developed site or premises upon which a sign is located to that part of the sign structure closest to said property line.

Sign. A structure, wall or other object, or such portion thereof, used for the display of any information or message, including, without limitation, any device, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, services, activity or entertainment; provided, however, that this definition shall not include works of art or temporary holiday decorations that do not convey a commercial message. (See also "flashing light.")

Sign regulations. The provisions of this Chapter 33.01.
Subdivision identification sign. A freestanding or wall sign identifying a residential subdivision.

Temporary sign. A sign not intended for permanent use.

Townhouse. See dwelling, townhouse.

Vehicular sign. A sign on a bus, car, truck or trailer used for the purpose of advertising or identifying any establishment, product, goods or services.

Wall sign. A sign painted on, or attached to, and erected parallel to the face of an outside wall of a building, and not projecting more than eighteen (18) inches from the wall.

Window sign. A sign which is (1) physically affixed to a building window or (2) legible from any vehicular public right-of-way through a building window. For purposes of this chapter, any sign (including illuminated signs) located inside a building and otherwise legible from any vehicular public right-of-way shall be deemed not to be a "window sign" if such sign (1) is less than six (6) square feet in area, (2) is located at least ten (10) feet away from such window(s) through which it is viewed, and (3) is intended for conveying information or advertising primarily to persons inside such building (e.g., menus, "tavern signs," product posters, etc.)

Sec. 33.01-6. Permitted signs; number, sign area, height and placement.

(a) The provisions of this section govern signs permitted to be displayed within the city and also prescribe their number, sign area, height and placement. Additional permitted signs in the Regional Business District are identified in subsection 33.01-7(9) of this chapter.

(b) Residential uses shall be permitted the following signage:

(1) *Detached single-family dwellings, duplex dwellings and townhouse dwellings*: one "for sale" or "for rent" sign per lot not to exceed six (6) square feet in area shall be permitted subject to the following conditions:

a. Such sign shall not be located closer than five (5) feet from the paved portion of the adjacent public street. Maximum sign height shall be three (3) feet.

b. Notwithstanding the provisions of subsection a. immediately above, if such sign is located not less than fifteen (15) feet from the paved portion of the adjacent public street, the height of said sign shall be no greater than six (6) feet.

(2) *Multiple-family dwelling facilities*:

a. Freestanding sign(s) shall be permitted subject to the following conditions:

1. Three (3) freestanding signs are permitted for each premises used for a multiple-family dwelling facility with frontage on one or more public streets subject to the limitations imposed by the other provisions of this subsection (2).

2. One square foot of sign area shall be permitted per linear foot of public street frontage, provided the cumulative area for all freestanding signs for the facility shall not exceed seventy-five (75) square feet.

3. There shall be a minimum separation between all such signs measured along the frontage of the public street in accordance with the following conditions:

i. Every sign having an area between fifty (50) and seventy-five (75) square feet shall be separated from every adjacent freestanding sign (and structure) of lesser area on the developed site by not less than one hundred fifty (150)

feet; and

ii. Every sign less than fifty (50) square feet in area, shall be separated from every adjacent freestanding sign (and structure) of equal or lesser area on the developed site by at least one hundred twenty-five (125) feet.

4. Front yard setback: Signs shall not be located closer than fifteen (15) feet from the paved portion of the adjacent street, provided that in all cases signs shall be set back to at least the front property line.

5. The side yard and rear yard setbacks shall each be twenty-five (25) feet.

6. Maximum sign height shall be ~~fifteen (15)~~ten (10) feet.

b. If no freestanding signs are erected for a multiple-family dwelling facility, such facility may erect a building sign or signs, the total area of which shall not exceed one hundred (100) square feet.

(c) Community facilities in residential districts shall be permitted the following signage:

(1) Freestanding sign(s) shall be permitted subject to the following conditions:

a. Three (3) freestanding signs are permitted for each developed site used for a community facility with frontage on one or more public streets subject to the limitations imposed by the other provisions of this subsection (1).

b. One square foot of sign area shall be permitted per linear foot of public street frontage, provided the cumulative area for all freestanding signs for the facility shall not exceed seventy-five (75) square feet.

c. There shall be a minimum separation between all such signs measured along the frontage of the public street in accordance with the following conditions:

1. Every sign having an area between fifty (50) and seventy-five (75) square feet shall be separated from every adjacent freestanding sign (and structure) of lesser area on the developed site by not less than one hundred fifty (150) feet; and

2. Every sign less than fifty (50) square feet in area, shall be separated from every adjacent freestanding sign (and structure) of equal or

lesser area on the developed site by at least one hundred twenty-five (125) feet.

d. Front yard setback: Signs shall not be located closer than fifteen (15) feet from the paved portion of the adjacent street, provided that in all cases signs shall be set back to at least the front property line.

e. The side yard and rear yard setbacks shall each be twenty-five (25) feet.

f. Maximum sign height shall be ~~fifteen (15)~~ten (10) feet.

(2) Building sign(s) shall be permitted subject to the following conditions:

a. The accumulative building sign area shall not exceed one hundred (100) square feet.

b. In addition to the sign area permitted in subsection a. immediately above, if the total sign area allowance for freestanding signs for the facility has not been used, the area difference between the permitted freestanding sign allowance and that actually used may be used for the building sign(s).

(3) Window sign(s) shall be permitted subject to the following conditions:

a. Window signs shall be displayed only on the ground floor of buildings.

b. Window signs, which are in whole or in part illuminated or designed to be illuminated by an electrical service, shall be counted as a part of allotted building sign area. Sign permits shall be required for such signs.

c. Window signs which do not exceed twenty-five (25) percent of each individual window opening (determined individually and not collectively) shall be permitted. Sign permits shall not be required for this signage except for window signs described in subsection b. immediately above.

d. If window signage exceeds the twenty-five (25) percent limitation contained in subsection c. immediately above, whether for any one or more window openings, all of the window signage for a building (or for a given storefront, if applicable) shall meet all requirements applicable to display of building signs including the requirement to secure a sign permit.

(d) Commercial/Industrial uses shall be permitted the following signage:

(1) Freestanding sign(s) shall be permitted subject to the following conditions:

a. One freestanding sign is permitted for each developed site with frontage on one or more public streets. For developed sites with more than one hundred fifty (150) feet of public street frontage, one additional freestanding sign, not to exceed three (3) additional signs, is allowed for each additional increment of public street frontage of at least one hundred fifty (150) feet. Two (2) ground signs may be substituted for each permitted freestanding sign.

b. With the exception of those signs regulated by the Hilton Village Architectural Review Board which are in compliance with the current approved design guidelines for the Hilton Village Commercial Area, the total permitted sign area for all free-standing signs shall be computed in the following manner:

1. For the first one hundred fifty (150) feet of public street frontage, seventy-five hundredths (0.75) square feet of sign area per linear foot of public street frontage shall be permitted, plus

2. For that portion of public street frontage between one hundred fifty (150) and three hundred (300) feet, fifty hundredths (0.50) square feet of sign area per linear foot of such excess portion of public street frontage shall be permitted, plus

3. For that portion of public street frontage in excess of three hundred (300) feet, twenty-five hundredths (0.25) square feet of sign area per linear foot of such excess portion of public street frontage shall be permitted.

c. There shall be a minimum separation between all such signs measured along the frontage of the public street in accordance with the following conditions:

1. Every sign having an area between seventy-five (75) square feet and one hundred (100) square feet shall be separated from every adjacent freestanding sign (and structure) on the developed site by not less than one hundred seventy-five (175) feet; and

2. Every sign having an area between fifty (50) and seventy-five (75) square feet shall be separated from every adjacent freestanding sign (and structure) of equal or lesser area on the developed site by not less than one hundred fifty (150) feet; and

3. Every sign less than fifty (50) square feet in area, shall be separated

from every adjacent freestanding sign (and structure) of equal or lesser area on the developed site by at least one hundred twenty-five (125) feet.

d. No freestanding sign shall exceed an area of one hundred (100) square feet except as provided in subsection h. below.

e. Except as otherwise permitted in section 33.01-4.e.(2), no freestanding or ground sign shall be erected closer than twenty-five (25) feet from the side and rear boundary defined for that developed site.

f. Front yard setback: Signs shall not be located closer than fifteen (15) feet from the paved portion of the adjacent street, provided that in all cases signs shall be set back to at least the front property line.

g. Maximum sign height shall be ~~thirty (30)~~ten (10) feet.

~~h. The director of codes compliance may authorize an increase to the permitted area or height of a sign upon application by the fee simple owner of the parcel on which the sign shall be erected provided that the parcel contains sufficient public street frontage for allowing multiple signs subject to the following conditions:~~

~~1. An additional fifty (50) square feet of sign area shall be allowed for each permitted sign not erected; and~~

~~2. An additional two (2) feet of sign height shall be allowed for each permitted sign not erected; and~~

~~3. Such sign(s) shall be separated by a minimum of 200 feet.~~

(2) With the exception of those signs regulated by the Hilton Village Architectural Review Board which are in compliance with the current approved design guidelines for the Hilton Village Commercial Area, building sign(s) shall be permitted subject to the following conditions:

a. Building sign area on each building frontage shall be limited to one square foot of sign area per linear foot of that building frontage. A building with more than one building frontage shall not combine nor transfer the sign area permitted any such "front"; each such "front" shall be limited to one square foot of sign area per its separate linear frontage.

b. Notwithstanding the provisions of subsection a. immediately above, sign

area not to exceed thirty-two (32) square feet shall be permitted when store or building frontage is less than thirty-two (32) linear feet.

c. Notwithstanding the provisions of subsections a. and b. immediately above, sign area permitted for freestanding signs, but not used on such signs, may be added to the permitted building sign area.

(3) Except as otherwise permitted in section 33.01-4.(e)(1)b, window sign(s) shall be permitted subject to the following conditions:

a. Window signs shall be displayed only on the ground floor of buildings.

b. Window signs, which are in whole or in part illuminated or designed to be illuminated by an electrical service, shall be counted as a part of allotted building sign area. Sign permits shall be required for such signs.

c. Window signs which do not exceed twenty-five (25) percent of each individual window opening (determined individually and not collectively) shall be permitted. Sign permits shall not be required for this signage except for window signs described in subsection b. immediately above.

d. If window signage exceeds the twenty-five (25) percent limitation contained in subsection c. immediately above, whether for one or more window openings, all of the window signage for a building (or for a given storefront, if applicable) shall meet all requirements applicable to display of building signs including the requirement to secure a sign permit.

(e) Community facilities in commercial/industrial districts shall be permitted the following signage:

The regulations for commercial/industrial uses shall apply to community facilities in commercial/industrial districts.

(f) Planned Development Flexibility Option: For purposes of providing flexibility and incentives for coordinated, well designed sign systems for large scale developments/facilities, special provisions varying the standards of the regulations set forth in this article may be approved by the Newport News City Council, after a recommendation by the Newport News Planning Commission, subject to the following:

(1) No action shall be taken on any application for placement of a sign under this subsection until the applicant shall have paid a filing fee to the city treasurer in the amount of eight hundred dollars ($800.00).

(2) The signage shall be for one of the following:

a. A mixed use development as defined in Chapter 45 of the Code with a mix of commercial, residential and office uses containing at least fifty (50) acres;

b. A neotraditional development within the Neotraditional Overlay District;

c. A hotel/conference center with a minimum of 150 guest rooms and which also contain a minimum of 50,000 square feet of conference space;

d. A medical center complex as defined in Chapter 45 of the Zoning Ordinance; or

e. A museum with more than 6,000 square feet of display area.

(3) A comprehensive sign plan that includes the following information in booklet form shall be submitted to the director of planning:

a. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs;

b. Proposed locations and number of proposed signs; and

c. Sign Illumination Plans which describe how the sign will be illuminated, provided:

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;

2. The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on surrounding residential properties;

3. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices; and

4. Plans for landscaping or architectural features to be used in conjunction with such illumination plans.

(4) The proposed signs shall meet the following criteria:

a. All signs shall be coordinated in terms of design features;

b. The maximum size shall be determined by city council based on the sign's design, location, proximity to other signs and any other factor appropriate under the circumstances. The maximum height of a freestanding sign shall not exceed 15 feet;

c. Readerboards shall not exceed 25% of the sign face; and

d. The signage shall be subject to such conditions as city council may deem reasonable.

(5) Off-premises signs may be permitted subject to any conditions imposed by city council and to the requirements set forth below:

a. The owner requesting an off-premises sign shall complete an off-premises sign application which can be obtained from the department of planning;

b. The application submittal shall include detailed plans identifying the location, design, dimensions and material of the proposed sign;

c. The application shall include a legally binding written agreement signed by the owner of the parcel or property upon which the sign is to be located or the holder of the right to place the sign, as the case may be, and the sign owner consenting to and authorizing the placement and location of the sign on the premises for the length of time that the sign is in use, for its maintenance and for its removal upon cessation of the development/facility that is the subject of the sign;

d. The approved off-premises sign to be erected shall be limited to a freestanding monument style or flag poles containing non-rigid banner signs and shall be in lieu of any freestanding sign on-premises of the development/facility seeking the off-premises sign;

e. The off-premises sign shall be located at an intersection where vehicles turn from a major street, as defined in the Subdivision Ordinance, to reach the facilities, as defined in subsection (f)(1) above;

f. The maximum size of the off-premises sign shall be determined by city council based on its design, location, proximity to other signs and any other factor appropriate under the circumstances. The maximum height of the off-premises sign shall be 15 feet for monument style sign and 30 feet for flagpoles, containing non-rigid banner signs;

g. The off-premises sign shall be located no closer than 100 feet to any on-

premises freestanding signs permitted on the property on which the on-premises sign is located; however, an off-premises sign may be collocated on an on-premises sign with permission of the property owner; and

h. Prior to installing an off-premises sign as permitted by this subsection, 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 sign owner with the city and maintained during the continued existence of the off-premises sign, in order to provide for its maintenance and removal as provided in subsection c. above.

Sec. 33.01-6.1. Electronic display signs.

(a) Electronic display signs shall conform to the provisions of this section, to all applicable general regulations as stated in Article I of this section, and to all applicable sign regulations of the district in which the electronic display sign is located; except, that such signs shall not be allowed as building signs, though electronic display marquee signs shall be permitted.

(b) Electronic display signs shall be permitted as free standing signs in the following manner:

(1) By right in conjunction with commercial and/or industrial uses, except that such non-conforming uses in residential districts may not use electronic signs;

(2) By conditional use permit in conjunction with multiple family facilities.

(c) No electronic display sign shall be allowed in conjunction with any use or establishment unless such use or establishment is allowed to have a freestanding sign under applicable district sign regulations, and no such sign shall be allowed in any historic district. In addition, notwithstanding the provisions of subsection (d)(8) of this section, no electronic display sign visible from any portion of a single or multiple family dwelling district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

(d) Electronic display signs shall conform to the following requirements:

(1) No more than one such sign shall be permitted on any developed site;

(2) No such sign shall exceed a height of eight (8) feet;

(3) The area encompassed by an electronic display sign shall not exceed the lesser of twenty-five percent (25%) of the total area of the sign face or twenty-four (24)

square feet per face.

(4) No such sign shall advertise or direct the attention of the general public to an establishment, business or service that is located on a separate site from the zoning lot on which the sign is located;

(5) The pixel pitch of the electronic display portion of such signs shall be nineteen (19) millimeters or smaller. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the pixel pitch has been factory pre-set at nineteen (19) millimeters or smaller.

(6) All electronic displays shall remain static for a period of at least five (5) seconds, and automatic change sequences shall be accomplished by means of instantaneous re-pixelization. Flashing, scrolling, blinking or any other type of intermittent illumination of elements of the display shall be prohibited;

(7) Audio speakers on, or electronically connected to, such signs shall be prohibited;

(8) The illumination of such signs shall be no greater than 10,000 nits from sunrise to sunset or 700 nits between sunset and sunrise, and shall be equipped with automatic brightness control which will operate at all times the display is lit, and which can further dim the display's brightness when ambient conditions do not require the maximum allowed brightness. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum intensity level and the owner/operator understands and agrees to these restrictions.

(9) The electronic service lines providing power to such signs shall be underground.

Sec. 33.01-8. Prohibited signs.

~~(a) Reserved.~~

~~(b) Animated signs shall be prohibited, provided that one (1) sign of cylindrical shape may be erected, installed or maintained at an individual place of business located in other than residential zoning districts, subject to the following criteria:~~

~~(1) The area of the sign as projected onto a flat plane shall be limited to a maximum of three (3) square feet.~~

~~(2) Only the interior of the sign may move or simulate motion.~~

~~(3) The sign shall contain no written message.~~

~~(4) The sign may be illuminated, but shall not have flashing or rotating lights, nor lights that simulate flashing or rotating lights.~~

~~(5) Where erected as a freestanding sign, or mounted on a structure supporting a freestanding sign, the sign shall be set back a minimum of ten (10) feet from the public right-of-way.~~

~~(6) Such signs may be attached to the front of a building provided that the sign does not overhang the public right-of-way.~~

~~(c) Reserved.~~

~~(d) Flashing lights and flashing signs shall be prohibited; provided that:~~

~~(1) Readerboards on which copy is changed automatically through electrical or mechanical means no more frequently than once every three (3) seconds shall be permitted; and~~

~~(2) This provision shall not apply to street clocks or time/temperature displays when changes in lighting occur only to indicate the change in time and/or temperature.~~

(~~e~~a) Except as otherwise expressly permitted by this chapter, off-premises signs shall be prohibited, provided however:

(1) Off-premises signs existing as of August 14, 1984 and erected pursuant to section 33.01-370 of the Code of Virginia (pertaining to outdoor displays along interstate and federal-aid highways) shall be permitted to remain.

(2) New off-premises signs shall be permitted along Interstate 64 and Interstate 664 only and under the following conditions:

a. Permitted only if the statutory provisions of the Code of Virginia 1950 (as amended), Title 33.01, Chapter 7, "Outdoor Advertising in Sight of Public Highways," are met.

b. Permitted only on undeveloped premises of at least three (3) acres and having not less than three hundred (300) feet of public street frontage.

c. Spaced no less than one thousand (1,000) feet apart.

d. Located no closer than five hundred (500) feet to the edge of an interchange.

e. Located no closer than seven hundred fifty (750) feet to any residential

district.

f. Maximum total sign area shall not exceed three hundred (300) square feet per undeveloped premises.

g. The front yard setback shall be ten (10) feet.

h. The side yard setback shall be twenty-five (25) feet.

i. Maximum height shall be forty (40) feet.

(~~f~~b) Except as otherwise permitted in this chapter, posters or temporary signs on any public property or public right-of-way, including those attached to trees, telephone poles, public benches, streetlights, or other objects, shall be prohibited.

(~~g~~c) Temporary signs, except as exempted in section 33.01-7.(8), including without limitation, flags, banners, pennants, festoons, and any other nonpermanent sign intended to call attention to, advertise or promote sales, special events, openings or similar events, shall be prohibited on any premises beyond the exterior of any building(s).

(~~h~~d) Vehicular signs on cars or trucks which are parked or located for the primary purpose of displaying said sign shall be prohibited.

(~~i~~e) Signs projecting above the top or ridge of any roof, or above the parapet if higher, shall be prohibited.

F. Consent Agenda

1. Minutes of the Special Meeting of June 10, 2014

ACTION:	• N/A
BACKGROUND:	• N/A
FISCAL IMPACT:	• N/A

Supporting Material

Minutes of the Special Meeting of June 10, 2014

DRAFT

MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
JUNE 10, 2014
3:30 P.M.

PRESENT: McKinley L. Price, DDS Tina L. Vick; Joseph C. Whitaker; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Robert S. Coleman----------6

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

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Mabel Washington Jenkins; Richard Caplan; 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: (1) a discussion, consideration or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, the subjects of which are a discussion or consideration of prospective candidates for appointments to boards and commissions and evaluation of Council appointees; and (7) consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating posture of the public body, the subjects of which are cases involving construction claims, property taxation and allegations of civil rights violations; and

(2) To make appointments to fill vacancies on the City's various boards, commissions, and committees.

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

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

(Closed Session 3:37 p.m. – 4:38 p.m.)

City Council engaged in a discussion to make appointments to fill vacancies on the following boards:

1. Board of Appeals – Mr. Ray Goodwin (Mechanical Contractor) for appointment to serve a five-year term of office.

2. Downing–Gross Cultural Arts Center Board – Ms. Myra Wright (General Public Representative) for appointment to fill the unexpired term of Mr. Georg Winfield, term will expire October 28, 2016.

3. Hampton-Newport News Community Services Board – Ms. Beatrice Dahlen (General Public Representative) and Mr. Timothy L. Supler (General Public Representative) each for reappointment to serve a three-year term of office.

4. Human Services Advisory Board – Ms. June Owens (General Public Representative) for reappointment to serve a four-year term of office; Mr. Antone Greene (General Public Representative) for appointment to fill the unexpired term of Ms. Tiffany Harris, term will expire July 10, 2015; and Ms. Beth A. Taylor (General Public Representative) to fill the unexpired term of Mr. Kevin Pearce, term will expire July 10, 2015.

5. Newport News Arts Commission – Ms. Jailynn Gaines (Youth Representative – Warwick High School) and Mr. Miles McAllister (Youth Representative – Menchville High School) each for appointment to serve a one-year term.

6. Newport News Human Rights Commission – Ms. Shukita L. Massey (General Public Representative) for reappointment serve a four-year term of office. Mr. Antonio Thompson (General Public Representative) for appointment to serve a four-year term of office. Mr. Ben Lambert (Youth Representative – Woodside High School) and Ms. Nanci Stanley (Youth Representative – Warwick High School) each for appointment to serve a one-year term of office.

7. Newport News Occasions, Inc. – Ms. Kay Sumner (City Personnel Representative) for appointment to fill the unexpired term of Ms. Susan Lineberry, term will expire March 1, 2017.

8. Newport News Public Library Board of Trustees – Ms. Mary Ellen Frantz (General Public Representative), Ms. Caroline J. Richter (General Public Representative, Mr. Matthew Thompson (General Public Representative) and Mr. Larry Watlington (General Public Representative) each for reappointment to serve a four-year term of office. Mr. Peter J. Mercier, III (General Public Representative) and Ms. Elizabeth Young (General Public Representative) each for appointment to serve a four-year term of office. Mr. Matthew Stephens (Youth Representative – Menchville High School) and Ms. Carey Crooks (Youth Representative – Warwick High School) each for appointment to serve a one-year term of office.

9. Newport News School Board Retirees Local Finance Board – One appointment (Citizen Member) deferred.

10. Newport News Wetlands Board – Mr. David K. Greshamer (General Public Representative) and Ms. Sharon Kitchen-Miller (General Public Representative) each for appointment to serve a five-year term of office. Ms. Elizabeth Young (General Public Representative) for appointment to fill the unexpired term of Mr. Robert Brest, term will expire July 31, 2017.

11. The Newsome House Museum and Cultural Center Foundation, Inc. Board of Directors – Ms. Vera Silver (General Public Representative) and Ms. Shelly Jefferson (General Public Representative) each for reappointment to serve a three-year term of office. Mr. Delroy A. Walker (General Public Representative) for appointment to serve a three-year term of office. Ms. Charon Dubose (General Public Representative) for appointment to fill the unexpired term of Mr. William J. Spence, term will expire September 30, 2016.

12. Peninsula Agency on Aging – Ms. Ann Boggs Wilson (General Public Representative) for reappointment to serve a three-year term of office.

13. Southeastern Virginia Health System – Ms. Dorothy Murray (General Public Representative) for reappointment to serve a two-year term of office.

14. Towing Advisory Board – One vacancy (Towing and Recovery Industry Representative) deferred.

15. Transportation Safety Commission – Mr. James L. McConnell, Jr. (General Public Representative) for appointment to fill the unexpired term of Mr. Richard A. Richardson, term will expire October 13, 2014.

16. USS Newport News Liaison Committee – Two vacancies (One General Public Representative and One Financial Community Representative) deferred.

After reconvening in open session, Councilman 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.

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

Councilwoman Woodbury moved that appointments discussed in closed meeting be ratified pursuant to receipt of notification that a favorable background check was conducted; seconded by Councilman Coleman

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 4:40 P.M.

Mabel Washington Jenkins

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: June 10, 2014

MOTION: Councilman 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: Price, Vick, Whitaker, Woodbury, Bateman, Coleman
NAYS: None

ABSENT DURING VOTE: Scott

ABSENT DURING MEETING: Scott

ATTEST:

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

F. Consent Agenda

2. Minutes of the Work Session of June 10, 2014

ACTION:	• N/A
BACKGROUND:	• N/A
FISCAL IMPACT:	• N/A

Supporting Material

Minutes of the Work Session of June 10, 2014

DRAFT

MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
June 10, 2014
3:30 p.m.

PRESENT: McKinley L. Price, DDS; Tina L. Vick (arrived at 3:43 p.m.); Joseph C. Whitaker; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr; and Robert S. Coleman ---------- 6

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

OTHERS PRESENT: James Bourey; Collins Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Wanda Pierre; Richard Caplan; Lisa Cipriano; Richard W. Myers; R. Keith Hartman; Cleder Jones; Kim Lee; Jennifer Walker; RoShaundra Ellington; Telly Whitfield; MaRhonda Echols; Police Chief; Captain Hartman; and Dave Ress

I. Closed Meeting

(3:37 p.m. – 4:38 p.m.)

II. PORT Emergency Winter Shelter Program Funding Update

Mr. James Bourey, City Manager, advised that Mr. Alan Archer, Assistant City Manager, had been in conversations with various groups concerning funding for the 2014 PORT Emergency Winter Shelter Program. He introduced Mr. Archer to provide an update regarding the matter.

Assistant City Manager Archer reminded that Ms. Lynne Finding, Executive Director, LINK of Hampton Roads (LINK), attended the April 15, 2014 City Council Budget Public Hearing and requested $65,000 in funding for the 2014 PORT Emergency Winter Shelter Program. He explained the request for funding was prompted by the loss of $65,000 in regional Homeless Solution Grant (HSG) funding from the Virginia Department of Housing and Community Development (DHCD). The HSG funding was administered by the Greater Virginia Peninsula Continuum of Care. LINK did not abide by the Continuum of Care meeting attendance requirements and was disqualified from receiving funding. Facing a significant reduction in the scope of their operations, LINK reached out for assistance from other organizations.

Assistant City Manager Archer reported that LINK was founded as a nonprofit volunteer organization in 1990 to break the cycle of poverty. He stated LINK established the PORT Program in 1993 to encourage interfaith congregations to provide emergency winter shelter and food for homeless individuals and/or families.

Assistant City Manager Archer noted the following facts about the PORT Program:

- Operated for five months each fall/winter season (November – December)
- Rotated weekly between congregate shelter sites
- Sheltered 539 individuals
- Lost $65,000 in annual DHCD Homeless Solutions Grant funding

Assistant City Manager Archer offered Point-In-Time Count data that noted the homeless population on the Peninsula and in Newport News had decreased (see data as part of the presentation, "The PORT Emergency Winter Shelter Program," attached and made a part of these minutes). He stated the Point-In-Time Count was a national initiative that was conducted annually by volunteers during the month of January. The data concluded that homelessness had decreased over the past several years. Much of the funding for homeless programs was transferred to Rapid Re-housing programs which took individuals off the street and moved them into permanent housing. The decrease in the homelessness population was a result of Rapid Re-housing programs and collaboration among agencies.

Councilwoman Vick inquired whether the reduction in homelessness was due to non-profits working in collaboration. Assistant City Manager Archer replied the reduction in homelessness was due to a combination of factors: 1) economic recovery; and 2) improved coordination of services between providers.

Assistant City Manager Archer stated local funding agencies met with Ms. Finding and Ms. Charlotte Dillow, Executive Director of HELP, to review the PORT's activities and operating budgets. As a result of their findings, the local funding agencies concluded that a $52,000 financial contribution to LINK would ensure another year of the PORT Emergency Winter Shelter Program. It would also provide the PORT representatives with an opportunity to review their operations to determine fundraising efforts needed to sustain the program for the 2015 fall/winter PORT season. Assistant City Manager Archer noted agencies involved in the discussion and 2014 fall/winter season funding recommendations:

• Ferguson Enterprises, Inc.	$ 5,000
• United Way	$ 9,000
• Bernardine Franciscan Sisters Foundation	$ 9,000
• Peninsula Community Foundation	$ 9,000

• City of Newport News	$10,000
• Newport News Redevelopment & Housing Authority	$10,000
• Other Donors	$13,000
Total	$65,000

Assistant City Manager Archer asked members of City Council to approve an appropriation of $10,000 from FY 2014 Community Support Contingency funding for the PORT 2014 fall/winter season. He stated $10,000 represented approximately one-fourth of the PORT's total operating budget.

Councilwoman Woodbury stated she was in support of the $10,000 with the caveat that LINK be required to fully participate and abide by the requirements of the Greater Virginia Peninsula Continuum of Care. Assistant City Manager Archer stated staff recognized there continued to be challenges and proposed technical assistance to increase the effectiveness of LINK. A caveat would be included that LINK be required to fully participate in the Greater Virginia Peninsula Continuum of Care.

Councilwoman Vick suggested a $25,000 financial contribution to LINK. She spoke to Ms. Finding, several years ago, about hiring a full-time/part-time assistant that would help PORT residents find work (temporary, day labor, part-time or full-time). A job would help PORT residents become self-sufficient. She felt the City should look into employment assistance as well as providing services.

City Manager Bourey stated the City needed to be aggressive. He suggested having a Work Session that focused on the homeless issue. He commended Mr. Archer for his presentation.

Councilwoman Woodbury agreed with Councilwoman Vick and noted the success of a homeless program that was offered in the City of Norfolk. Mr. Archer replied the Southside had a greater concentration of homelessness. He stated the politics that supported funding initiatives had been favorable to the City of Norfolk, given their conditions as opposed the City of Newport News.

City Manager Bourey stated the $10,000 was important as it would help to provide PORT shelter for the 2014 fall/winter season.

Councilwoman Woodbury made a motion to authorize the disbursement of $10,000 to LINK, from FY 2014 Community Support Contingency funding, to offset the loss of

Homelessness Solution Grant (HSG) funding from the DHCD; seconded by Councilwoman Vick.

Vote on Roll Call:	Price, Vick, Whitaker, Woodbury, Bateman, Coleman
Nays:	None
Absent:	Scott

III. Targeted Public Safety Announcement

City Manager Bourey stated shooting and violent crime continued to be a regular occurrence within the Southeast community. He advised, several new community policing initiatives would be undertaken in an effort to reduce the level of violence. Some would provide long-term solutions and others required partnering with other public safety agencies. He introduced Mr. Richard Myers, Police Chief, City of Newport News, to provide the presentation.

Police Chief Myers stated that understanding matters did not get the way they were overnight and would not improve overnight was one of the best things he heard at the Town Hall meeting, sponsored by Congressman Robert C. (Bobby) Scott, on Thursday, June 5, 2014, at the Achievable Dream High School. He stated the Police Department was taking a long-term view by becoming deeply engaged with residents and collectively finding sustainable solutions to combat neighborhood crime. A sense of neighborhood ownership would increase if residents felt they could trust and work with the Police Department to identify long-term solutions. He announced a two to three weekend initiative ("All Hands on Deck") would take place in the South Precinct during the summer months of 2014. The initiative was planned and would be overseen by Captain R. Keith Hartman, Newport News Police Department South Precinct. The initiative would send a strong message that the Police Department was engaged to prevent destructive behaviors in neighborhoods. This strategy was employed in the past and had been successful. He hoped that long-term relationship strategies would help to build long-term solutions.

Police Chief Myers noted an initiative, "Geographical Policing," that would place officers throughout various sections of the City, beginning on July 1, 2014. He introduced Captain Hartman to offer specifics about the initiatives to be employed in the City over the next several months (see memo to City Council, dated June 4, 2014, re: "Targeted Public Safety Initiative," attached and made a part of these minutes).

Captain Hartman stated crime peaked during the summer months when kids were out of school. He stated the Newport News Police Department would conduct an "All Hands on Deck" initiative beginning Thursday, June 19, 2014 through Saturday, June 21, 2014, with the Virginia State Police, Virginia Department of Alcoholic and Beverage Control, District 19

Probation and Parole, Newport News Sheriff's Office and the Hampton Police Department. Another "All Hands on Deck" initiative would take place in the mid-July and mid-August 2014. Captain Hartman stated crime should be reduced between the 4th of July and Labor Day if the initiative was successful. Once crime dried up in the South Precinct, the initiative would move to the hotspots in the North and Central Precincts.

Captain Hartman noted a community block party (from 9th Street and Ivy Avenue to the waterfront) was held, several weeks ago, prior to Memorial Day. He stated the event was successful and gave the Police Department an opportunity to become engaged and meet people in the community.

Captain Hartman noted the "Hot Spot Policing" initiative that would operate in selected high crime areas where additional police resources were needed to combat crime. The "Hot Spot Policing" areas included the following:

- Ridley Place Apartments – Drug Activity
- City Line Apartments – Drug and Gang Activity
- NNR&HA – Trespassing Project
- Marshall Avenue – Area Prostitution
- 18th – 25th Street and Jefferson Avenue – Heroin Abatement
- 24th Street and Oak Avenue – Drug and Drinking Activity
- 27th Street and Chestnut Avenue – Drug Activity
- 28th – 33rd Streets and Marshall Avenue – Drug, Prostitution, and Gang Activity

Captain Hartman stated the Police Department was in the process of reviewing manpower to ensure all the right people were on patrol and in the right areas for the Community Policing project.

Captain Hartman stated the goal of the Police Department was to clean-up the streets and follow-up on who was doing what. The Police Department was trying to foster communication with the community and gain citizen trust. He felt the City would be a safer place once trust was gained between the community and the Police Department.

Police Chief Myers recalled a Manpower Project Study that was conducted approximately 21 years ago. He stated the Police Department engaged the services of a national consultant to study how Police officers were deployed throughout the City and what they did. The study led to the creation of the South, Central and North precincts and their boundaries. That study had not been updated in over a decade. The percentage of uniformed Police officers on the street had shrunk as there were more detectives and office personnel. The Police Depart-

ment asked the same consultant to conduct a new study. This goal was not to hire any new Police Officers, but how to use current resources. The consultant would also conduct a study of the City's Communication Center. Some of the consultant's prior recommendations continued to be effective, but needed to be updated. The consultant would work with the Police Department to develop a city-wide crime control plan to determine how to get residents to become more engaged in reducing crime. The study would begin in the fall of 2014 and conclude during the spring of 2015.

City Manager Bourey pointed out the Police Department had become less engaged and officers needed improved communication skills to interact and fully engage people to build rapport.

Mayor Price shared that his Neighborhood Watch representatives wore special t-shirts during their block party that was held in the spring of 2014. He stated everyone wanted to know how they could get a t-shirt, which resulted in more neighbors becoming a part of the Neighborhood Watch.

Captain Hartman noted a "Collaboration and Partnership" initiative that involved the Newport News Police Department working closely with federal, state and local agencies, such as the City of Hampton, to address crime concerns. Hampton and Newport News Police recently staffed patrols along the borders of Newport News and Hampton.

Councilman Whitaker stated the Police Department had a tough job ahead of them in the Southeast community. He pointed out that history and the lack of economic development in the Southeast community played a huge part in the occurrence of crime.

City Manager Bourey agreed that economic development played a part in crime. He stated the Police Department and the City would be very proactive to improve conditions in the community.

Captain Hartman stated there were many good people in the Southeast community and the City, as a whole, than there were bad. He felt the good people would assist the Police Department in taking back their communities. He announced the Police Department would sponsor an advertisement in the Daily Press newspaper on Thursday, June 19, 2014, highlighting individuals wanted for crimes in the City of Newport News.

Councilwoman Woodbury inquired whether the Police Department asked residents if they would be willing to come forward and testify. She noted three murder charges that were recently dismissed, in the City of Hampton, because individuals refused to come forth and testify. She felt that needed to be addressed.

Captain Hartman stated residents were afraid to testify. Councilwoman Woodbury agreed and inquired how that could be changed. Captain Hartman replied that good people had to out-weigh bad people, and indicated it would take time.

IV. Comments/Ideas/Suggestions

Councilwoman Woodbury inquired about the status of the James River Fishing Pier. She stated she had received comments from residents about extending the pier. City Manager Bourey replied that the design was being finalized and a bid would go out for the demolition of the pier in the near future.

Councilwoman Woodbury inquired whether a public/private partnership could be formed to help build the pier. City Manager Bourey replied that grants had been received, but staff had not inquired about a public/private partnership.

Councilwoman Woodbury recalled that revenue was generated by use of the James River Fishing Pier. City Manager Bourey replied the City had a lease contract with the Crabshack Seafood Restaurant who operated the pier. He stated the City received revenue based on their net receipts. Conversations were ongoing with the Crabshack about modifications to the lease.

Councilwoman Woodbury stated various individuals felt the pier should be extended, as revenue was generated from out-of-town visitors who used the pier and shopped and stayed in the City's hotels/motels. City Manager Bourey believed a small percentage of people that used the pier stayed in the City's hotels/motels. He felt the pier was used by local residents, and did not generate a huge amount of revenue.

City Manager Bourey stated staff was looking at changing the City's website address. He stated the City's website address, www.newportnews.com, was very unusual. City staff was researching how to transition to a new address, i.e. www.nnva.gov, as was done by other localities, and was more traditional. It would be a long-term transition in order to transform email in an appropriate manner.

Vice Mayor Bateman inquired about the reason for the change, and whether complaints had been received. City Manager Bourey replied it was not a huge issue, nor problem, but .GOV was the norm for those who were familiar with government sites.

City Manager Bourey stated an announcement, regarding the "One City" Newport News Marathon, highlighting its course, and sponsors, would be held on Monday, June 16, 2014, at the Newport News Marriott in City Center. He invited the public to attend the event.

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Mayor Price stated the East End Neighborhood Association requested $12,000 (see funding request attached to these minutes) to purchase a lawn tractor and a historical marker for the Pleasant Shade Cemetery. He stated veterans and prominent individuals were buried in the Pleasant Shade Cemetery.

Councilwoman Woodbury inquired whether the City of Hampton had assisted with funding as Pleasant Shade Cemetery was in the City of Hampton. Mayor Price agreed the cemetery was located in the City of Hampton, but was not sure whether the City of Hampton had been approached to provide funding.

Mayor Price suggested an appropriation of $5,000 to assist with the purchase of a lawn tractor. He hoped the City of Hampton would assist with funding for the historical marker. There was consensus among City Council to appropriate $5,000 to the East End Neighborhood Association to assist with the purchase of a lawn tractor for the Pleasant Shade Cemetery.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 5:51 P.M.

Jennifer D. Walker
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, tested:

City Clerk

F. Consent Agenda

3. Minutes of the Regular Meeting of June 10, 2014

ACTION:	• N/A
BACKGROUND:	• N/A
FISCAL IMPACT:	• N/A

Supporting Material

Minutes of the Regular Meeting of June 10, 2014

DRAFT

MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
JUNE 10, 2014
7:00 P.M.

PRESENT: McKinley L. Price, DDS; Tina L. Vick; Joseph C. Whitaker; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Robert S. Coleman----------6

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

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 Father George Chioros, Saints Constantine and Helen Church.

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

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

D. Presentations

None

MOTION MADE BY COUNCILMAN COLEMAN; SECONDED BY COUNCILWOMAN VICK; AND CARRIED UNANIMOUSLY, TO EXCUSE COUNCILWOMAN SCOTT FROM THIS MEETING

E. Public Hearings

1. Ordinance Authorizing the City Manager to Execute Any and All Documents Necessary for the Conveyance of a Portion of 11846 Jefferson Avenue via a Quitclaim Deed for the Middle Ground Boulevard Extension Project

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE

DRAFT

E. Public Hearings Continued

1. Ordinance Authorizing the City Manager to Execute Any and All Documents Necessary for the Conveyance of a Portion of 11846 Jefferson Avenue via a Quitclaim Deed for the Middle Ground Boulevard Extension Project Continued

CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN QUITCLAIM DEED BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, DATED JUNE 10, 2014, FOR THE PURPOSES OF UTILITY RELOCATIONS NECESSITATED BY THE MIDDLE GROUND BOULEVARD EXTENSION PROJECT. This ordinance authorized the City Manager to execute any and all documents necessary for the conveyance of a portion of 11846 Jefferson Avenue via a Quitclaim Deed for the Middle Ground Boulevard Extension Project. The Virginia Department of Transportation (VDOT) was constructing the extension of Middle Ground Boulevard. An additional right-of-way and a temporary construction easement were required on City-owned property. The City-owned property was located at 11846 Jefferson Avenue on the southeast corner of Jefferson Avenue and Middle Ground Boulevard. The project required 0.121 acres of additional right-of-way for widening the northbound approach on Jefferson Avenue at Middle Ground Boulevard. A temporary construction easement of 0.255 acres was necessary for construction activities behind the right-of-way. The City Manager recommended approval.

(No registered speakers)

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

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

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

Councilwoman Woodbury inquired about conveyance of property via a quitclaim deed. She questioned whether this was done with property the City already owned. City Attorney Owens advised that the Quitclaim meant the City was not sure about the interest - part was property acquired by the federal government many years ago, and extra property was needed to move utilities over. The City would quitclaim the property to them. Once the project was complete, the State would quitclaim the property back to the City.

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

F. Consent Agenda

Councilwoman Vick moved adoption of the Consent Agenda, Items 1 through 3, both inclusive; seconded by Vice Mayor Bateman.

(1) Minutes of the Work Session of May 27, 2014

(No registered speakers)

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

(2) Minutes of the Special Meeting of May 27, 2014

(No registered speakers)

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

(3) Minutes of the Regular Meeting of May 27, 2014

(No registered speakers)

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

G. Other City Council Actions

(1) Resolution Authorizing the Re-Sale of Wetland and Stream Mitigation Credits Purchased for the King William Reservoir Project and Authorizing the City Manager to Execute Any and All Documents Pertaining to the Re-Sale

A RESOLUTION OF THE NEWPORT NEWS CITY COUNCIL AUTHORIZING THE RE-SALE OF WETLANDS MITIGATION CREDITS AND STREAM MITIGATION CREDITS ACQUIRED FOR THE KING WILLIAM RESERVOIR PROJECT. This resolution authorized the re-sale of Wetland and Stream Mitigation Credits purchased for the King William Reservoir Project. This resolution further authorized the City Manager to execute any and all documents pertaining to the re-sale. In 2009, the City purchased 50 acres of wetland mitigation credits and 19,978 linear feet of stream mitigation credits from the York River Wetland Mitigation Bank as part of the mitigation program for the former King William Reservoir Project. Credits were classified as a commodity, and could be transferred and sold on mutually agreed upon terms. Those acquired from the York River Wetland Mitigation Bank could only be used to mitigate for project impacts within the Upper York River Basin. The re-sale of credits would be on a case-by-case basis, with quantity of credits at a price deemed appropriate

G. Other City Council Actions Continued

(1) Resolution Authorizing the Re-Sale of Wetland and Stream Mitigation Credits Purchased for the King William Reservoir Project and Authorizing the City Manager to Execute Any and All Documents Pertaining to the Re-Sale Continued

by the City Manager and the City Attorney's office. The City Manager recommended approval.

(No registered speakers)

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

City Manager Bourey promised to report back to Council on any sale or action on the matter.

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

H. Appropriations

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

(1) Department of Engineering – FY 2014 Bond Authorization, Public Buildings Category: Design Services for Emergency Generators Replacement

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND ISSUED ($50,000.00) TO EMERGENCY GENERATORS ($50,000.00). This resolution appropriated $50,000.00 from the FY 2014 Bond Authorization, Public Buildings Category, for Design Services for the Replacement of Emergency Generators. The design services would address the purchase and installation of new equipment and wiring to replace and update the existing emergency generators at various City facilities. Funding in the amount of $50,000.00 was available from the FY 2014 Bond Authorization, Public Buildings category. The City Manager recommended approval.

(No registered speakers)

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

H. Appropriations Continued

(2) Department of Engineering – FY 2014 Bond Authorization, Public Buildings Category: Justice Building Elevator Renovations

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND ISSUED ($175,000.00) TO JUSTICE BUILDING ELEVATOR RENOVATION ($175,000.00) This resolution appropriated $175,000.00 from the FY 2014 Bond Authorization, Public Buildings Category, for the Justice Building Elevator Renovations. The City had made many renovations to the Justice Building as recommended in the 2003 Hampton-Newport News Community Services Board (H-NNCSB), Facilities Plan, H-NNCSB Central Extract Study. The final phase of the project would be the upgrading of the elevators. The project consisted of the purchase and installation of new equipment and wiring to replace and update the remaining elevator at the Justice Building. The total estimated project cost for the remaining elevator, including contingencies, was $200,000.00. Funding in the amount of $175,000.00 was available from the FY 2014 Bond Authorization, Public Buildings category. The remaining $25,000.00 was available from previously appropriated funds in the Public Buildings category. The City Manager recommended approval.

(No registered speakers)

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

(3) Newport News Sheriff's Office – Commonwealth of Virginia, Office of the Attorney General: Asset Forfeiture Funds

A RESOLUTION APPROPRIATING FUNDS FROM USE OF FUND BAL-US0TREAS-14 ($249,480.00) TO MACHINERY & EQUIPMENT ($249,480.00). This resolution appropriated $249,480.00 of Federal Revenue (Asset Forfeiture Funds) from the Commonwealth of Virginia, Office of the Attorney General, to the Newport News Sheriff's Office. The Virginia Attorney General's Office awarded the Newport News Sheriff's Office asset forfeiture monies in the amount of $249,480.00. The funds were the result of a settlement with Abbott Laboratories regarding the unlawful promotion of prescription drugs. These forfeited funds were permitted to be used as supplemental support for law enforcement needs. The funds would be used to purchase computer equipment, vehicles, protective vests, a security camera system for the courts, copiers, and a portable generator. No local matching funds were required. The City Manager recommended approval. The City Manager recommended approval.

(No registered speakers)

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

H. Appropriations Continued

(4) Department of Engineering – Congestion Mitigation and Air Quality (CMAQ): Mariners' Museum Multi-Purpose Trail Project

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE ($520,000.00) AND STATE REVENUE ($130,000.00) TO MARINERS' MUSEUM MULTIPURPOSE TRAIL ($650,000.00). This resolution appropriated $650,000.00 from Congestion Mitigation and Air Quality (CMAQ) Grant Funds for the Mariners' Museum Multi-Purpose Trail Project. The design of the Mariners' Museum Multi-purpose Trail was substantially complete. The construction of this sidewalk along Mainers' Museum property, parallel to Warwick Boulevard, would connect the Avenue of the Arts sidewalk with the arterial sidewalk located to the south at the Harpersville Road intersection with Warwick Boulevard. The revised project estimate had increased to $2,748,220.00. City Council previously appropriated $1.1 million of CMAQ grant funds for this project. The Virginia Department of Transportation (VDOT) had approved additional CMAQ funds in the amount of $650,000.00 and approved a transfer of $998,220.00 from two other previously appropriated CMAQ projects. The City Manager recommended approval.

(No registered speakers)

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

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

Mr. Keith Jones, P. O. Box 1275, Suffolk, thanked City Manager Bourey for taking the lead and helping LINK, Inc. with funding to assist the homeless. He reminded that the homeless and those involved with gangs were the most vulnerable during cold winter months.

Mr. Jones advised that he had the opportunity to attend the Gang Violence Prevention Town Hall Meeting, hosted by Congressman Robert C. "Bobby" Scott, on Thursday, June 5, 2014, 6:30 p.m., at An Achievable Dream Middle and High School (5720 Marshall Avenue). He stated there were figures thrown around, and there was some question about how the $1.1 million would be used. Mr. Jones suggested paying the suspected gang members, i.e. $8 per hour, which amounted to $768,000 for twelve weeks, leaving $330,000 to be spent. He referenced an editorial in the Virginian Pilot, written by a young lady that stated, "a summer job could help guide a teen's passage into adulthood." Congressman Scott commented that money could not continue to be thrown at the problem, but that it should be directed, and made useful. Mr. Jones stated getting the youngsters a job would help keep them out of gangs. Counseling would be good, but the youngsters needed money – gangs provided money and shelter. Mr. Jones referenced remarks from Mr. Edwards, a business owner that attended the Gang Violence Prevention Town Hall Meeting, who indicated it would take approximately $100,000 per year to detain a young person.

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

In light of the police-involved shootings, Mr. Jones requested that the City Council explore acquiring Tasers and video cameras for glasses for the police officers in FY 2016 to provide other options.

Mr. Jones stated that the new projects and buildings looked great in the Jefferson Avenue Corridor in the Southeast community. He looked forward to seeing more in the future.

Ms. Joanne Shambly, 435 Eureka Loop, Newport News, stated that she paid for private garbage pickup. As a homeowner, living in a condominium, she advised that she paid the same water and public utility fees as her neighbor, who lived in a single-family home. Ms. Shambly stated the City picked up bulk waste at her neighbor's home; and inquired why she could not receive the same service.

Mr. Antonio Thompson, 3011 Madison Avenue, Newport News, advised that he was expecting, and looked forward to, the return of his father from prison.

Mr. Thompson stated that treason was the greatest threat to national security - having recently studied it, and indicated it was a horrible offense for any citizen to harbor in their heart. He compared the act of treason to the detrimental works of a termite.

Mr. Thompson had a vision and dream of a nuclear event destroying many cities and towns.

Mr. Thompson shared that Community Services Boards (CSBs) were very much needed. He thanked all of his doctors at the Hampton-Newport News CSB. He advised that his treatments were good and seemed to be working.

J. New Business and Councilmember Comments Continued

City Manager Bourey responded to Ms. Shambly's concerns. He stated that the charges on her bill were not for trash collection or solid waste. She was not paying twice in the process, but was only paying once for trash collection.

City Manager Bourey invited the public to attend a Special Announcement about the Inaugural "Newport News One City Marathon," scheduled for Monday, June 16, 2014, 10:00 a.m., at the Newport News Marriott at City Center (740 Town Center Drive).

Councilwoman Woodbury presented A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN ADDENDUM NO. 1 DATED THE 10TH DAY OF JUNE, 2014, TO THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND JAMES M. BOUREY, CITY MANAGER. This resolution amended the Employment Contract of the City Manager by authorizing the City to execute Addendum No. 1 to said Agreement, dated June 25, 2013. This

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J. New Business and Councilmember Comments Continued

resolution amended the compensation of the City Manager. The City also agreed to pay, on behalf of the City Manager, deferred income in the amount of $15,000 per year, to be paid into a portable retirement plan designated by the City Manager.

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

(No registered speakers)

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

Councilwoman Vick presented A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CHIEF DEPUTY CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN ADDENDUM NO. 9 DATED THE 10TH DAY OF JUNE, 2014, TO THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND MABEL WASHINGTON JENKINS, FORMERLY KNOWN AS MABEL V. WASHINGTON, CITY CLERK. This resolution amended the Employment Contract of the City Clerk by authorizing the City to execute Addendum No. 9 to said Agreement, dated December 1, 2004. This resolution amended the compensation of the City Clerk. The City also agreed to pay, on behalf of the City Clerk, deferred income in the amount of $4,000 per year, to be paid into a portable retirement plan designated by the City Clerk.

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

(No registered speakers)

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

Councilwoman Woodbury presented A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN ADDENDUM NO. 3 DATED THE 10TH DAY OF JUNE, 2014, TO THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND COLLINS L. OWENS, JR., CITY ATTORNEY. This resolution amended the Employment Contract of the City Attorney by authorizing the City to execute Addendum No. 3 to said Agreement, dated January 24, 2012. This resolution amended the compensation of the City Attorney. The City also agreed to pay, on behalf of the City Attorney, deferred income in the amount of $10,000 per year, to be paid into a portable retirement plan designated by the City Attorney.

J. New Business and Councilmember Comments Continued

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

(No registered speakers)

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

Mayor Price advised that he had the opportunity to attend the Gang Violence Prevention Town Hall Meeting, hosted by Congressman Robert C. "Bobby" Scott, on Thursday, June 5, 2014, 6:30 p.m., at An Achievable Dream Middle and High School (5720 Marshall Avenue). He stated it was very informational. He was reminded that this was a problem that did not happen overnight, and it would not be cured overnight. He felt the City had invested enough time, energy, and knowledge into coming up with a plan that would be sustainable. Mayor Price stated that he felt confident that this plan had taken a while to evolve, but was something the City would get their hands around and the community would begin to see results. City Council looked forward to cooperating with the Newport News Police Department (NNPD) and other agencies to make the community a safer community for all involved.

Mayor Price and colleagues attended the Knights of Columbus Council 5480 Annual Appreciation Dinner honoring the top law enforcement officials, EMS, and firefighters, on Saturday, June 7, 2014 (100 Columbus Way).

Mayor Price extended congratulations to Flave and Courtney Rogers. Mr. & Mrs. Rogers were married on Saturday, June 7, 2014 at the Chapel on the campus of Christopher Newport University (CNU), 1 University Place. Mayor Price, on behalf of his colleagues on the Newport News City Council, wished Flave and Courtney the best for a long and happy life together.

Councilwoman Vick thanked all of the citizens that participated in the "Clean the Bay Day," on Saturday, June 7, 2014. The annual event, sponsored by the Chesapeake Bay Foundation and the Clean the Bay Advisory Committee, had become one of the most easily identifiable able ways for citizens to help improve their natural environment. Approximately 7,000 Virginians removed nearly one hundred tons of debris from Virginia waterways and shorelines. She advised that 15-20 pounds of debris was removed from the Peterson's Yacht Basin. It was her hope to continue this effort to keep the community clean.

Councilwoman Vick commended the Department of Parks, Recreation, and Tourism for hosting King-Lincoln Park Day on Saturday, June 7, 2014, at the Park (600 Jefferson Avenue). The annual event was free and open to the public and included a number of vendors, carnival games, sports activities, rides, and live entertainment by Slap Nation Band.

Councilwoman Woodbury commended Bon Secours for hosting a series of Ground Rounds for Community Leaders at the James River Country Club (1500 Country Club Road). Ground Rounds for Community Leaders was a program that gave community leaders

J. New Business and Councilmember Comments Continued

uncommon access to some of the leading minds in health care. The program featured four breakfast forums with presentations by renowned experts immersed in health issues that affected citizens, businesses, and the community.

Councilwoman Woodbury congratulated the Newport News Public Schools and Christopher Newport University for co-sponsoring a STEM Community Day and Health and Wellness Fair, on Saturday, May 31, 2014, at the Freeman Center on the campus of Christopher Newport University (1 University Place). The event was free and open to the public and included fun and hands-on activities, student displays and competitions including robotics with the Menchville High School Robotics Team – Triple Helix, electric cars, and aviation projects, as well as free health and wellness screenings and fitness classes.

Councilwoman Woodbury attended the Causey's Mill Buffer Zone Dedication presented by the Cooperative Extension Newport News Master Gardeners, on Monday, June 9, 2014, at Abernathy Park (the entrance to Riverside Hospital off Warwick Boulevard). Students from Booker T. Washington Middle School helped to create a planted buffer zone under the guidance of the Cooperative Extension Newport News Master Gardeners and the Facilities Maintenance and Landscape Services Division of the Department of Parks, Recreation, and Tourism. She encouraged citizens to visit the beautiful site, which had become a gem in the Newport News.

Councilwoman Woodbury attended the Virginia Transit Association Conference in Fredericksburg, Virginia, June 3-4, 2014. Dr. Woodbury served as the Association's President. She indicated that 220 transit agencies registered for the conference. She stated that Hampton Roads Transit (HRT) won three awards. Mr. John Martin, President and CEO of The Southeastern Institute of Research, served as Keynote Speaker on the latest demographic and culture trends reshaping America. She suggested that the Department of Planning should listen and heed some of Mr. Martin's advice about future trends.

Councilwoman Woodbury commended, and thanked, Mr. Keith Jones for his attendance and participation. She stated that she was very impressed with him attending the Council meetings and sharing his thoughts, concerns, and ideas.

Councilwoman Woodbury thanked Mr. Antonio Thompson for his attendance and participation.

Councilman Coleman advised that he too had the opportunity to attend the Gang Violence Prevention Town Hall Meeting, hosted by Congressman Robert C. "Bobby" Scott, on Thursday, June 5, 2014, 6:30 p.m., at An Achievable Dream Middle and High School (5720 Marshall Avenue). He stated it was very informational. He congratulated Mayor Price, City Manager Bourey, Ms. Marhonda Echols, the City's Youth and Gang Coordinator, and Assistant City Manager Alan Archer who provided an excellent presentation at the Town Hall Meeting. Councilman Coleman looked forward to the Youth and Gang Prevention Program proceeding.

DRAFT

J. New Business and Councilmember Comments Continued

Dr. Daniel Edwards, a licensed clinical psychologist, was also in attendance at the Gang Violence Prevention Town Hall Meeting. Councilman Coleman shared a statement made by Dr. Edwards, which he felt was fitting with Father's Day approaching, "Every child deserves an adult that loves them irrationally." He asked all fathers to remember that. He extended best wishes to all fathers for a Happy Father's Day.

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 7:29 P.M.

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

4. Resolution of Recognition: USS ***Newport News*** (SSN 750) - 25th Anniversary (June 2014)

ACTION: A REQUEST TO APPROVE A RESOLUTION OF RECOGNITION TO COMMANDER CHRIS TARSA AND THE CREW OF THE USS ***NEWPORT NEWS*** (SSN 750) ON THE 25TH ANNIVERSARY (JUNE 2014) OF THE SHIP'S COMMISSIONING.

BACKGROUND:

- The USS ***Newport News*** was constructed by the Newport News Shipbuilding and Dry Dock Company and commisioned in June 1989.
- This submarine is the eighth vessel to bear the name of this City, the third to see naval service, and has steamed more than 575,000 nautical miles in support of the nation's defense.
- The USS ***Newport News*** is highly decorated, and most recently, in 2011, received both the Battle Effectiveness Award and the Majorie Sterrett Battleship Fund Award.
- This Resolution acknowledges and congratulates Commander Chris Tarsa, the crew of the USS Newport News (SSN 750) and all who have served on board this vessel on its 25th anniversary.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

sdm12679 Recog re USS Newport News 25th Anniv

sdm12679

RESOLUTION NO. _____

RESOLUTION OF RECOGNITION

WHEREAS, the City Council of the City of Newport News, Virginia, wishes to recognize Commander Christopher Tarsa and the crew of the USS *Newport News* (SSN 750) on the 25th anniversary of the ship's commissioning; and

WHEREAS, the *Los Angeles*-class nuclear attack submarine USS *Newport News* was commissioned in June of 1989, after being constructed by the Newport News Shipbuilding and Dry Dock Company; and

WHEREAS, this submarine is the eighth vessel to bear the name of this city, and the third to see naval service; and

WHEREAS, since its commissioning in June 1989, the submarine USS *Newport News* has steamed more than 575,000 nautical miles in support of the nation's defense; and

WHEREAS, the USS *Newport News* has provided Tomahawk strike warfare and intelligence support during Operation Desert Storm, Operation Desert Fox, Operation Iraqi Freedom, and during the Global War on Terrorism; and

WHEREAS, the USS *Newport News* is highly decorated, and has been awarded the Southwest Asia Service Medal with two bronze stars, two Arctic Service Ribbons, the Sea Service Deployment Ribbon with three bronze stars, the Navy Expeditionary Medal with two bronze stars, a Meritorious Unit Citation, a Navy Unit Citation, the Sea Service Ribbon with one silver star and one bronze star, and most recently, in 2011, the USS *Newport News* received both the Battle Effectiveness or Battle "E" Award and the Majorie Sterrett Battleship Fund Award; and

WHEREAS, the motto of the USS *Newport News*, Magni Nominis Umura ("In the Shadow of Great Name") links the ship to the city for which she is named as well as the careers of previous naval ships that have carried the name Newport News.

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

1. That it acknowledges and congratulates Commander Christopher Tarsa and the crew of the USS *Newport News* (SSN 750) and all who have served on board this vessel on the 25th anniversary of the ship's commissioning and for its distinguished and decorated service to our nation.

2. That is hereby directs that a copy of this resolution be spread upon the records of this body and that a copy be delivered to Commander Tarsa and the crew of the USS *Newport News*.

F. Consent Agenda

5. Resolution Approving Heart Song Transport to Operate in the City of Newport News

ACTION: A REQUEST TO APPROVE A RESOLUTION ALLOWING HEART SONG TRANSPORT TO OPERATE IN THE CITY OF NEWPORT NEWS.

BACKGROUND:

- The City has received a request from Heart Song Transport to allow it to provide non-emergency medical transport services in the City of Newport News.
- Pursuant to the ***Code of Virginia***, Section 15.2-955, and 12VAC 5-31-420, the Virginia Department of Health requires applicants for Emergency Medical Services (EMS) licensure to obtain a resolution from the governing body of each locality where the services will be provided.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re Heart Song Transport Request

sdm12646 Granting Approval for Heart Song Care Transport, Inc. to Provide Transport Svcs in City

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Heart Song Transport Request to Operate in the City

The City has received a request from Heart Song Transport to allow it to provide non-emergent medical transport services to the citizens of Newport News and to stage Basic and Advanced Life Support Ambulances at 710 Denbigh Blvd., Suite 2E to provide contracted services.

Pursuant to the *Code of Virginia*, Section 15.2-955, and 12 VAC 5-31-420, the Virginia Department of Health (VDH) requires applicants for Emergency Medical Services (EMS) licensure to obtain a resolution from the governing body of each locality where the agency will provide services. The resolution is a required portion of the application for EMS Agency licensure. After receipt of a completed application, the State Office of EMS determines whether the applicant qualifies for licensure

The principals for Heart Song Transport have agreed to the following conditions:

1. Heart Song Transport will limit its transport services to non-emergency transports.
2. Heart Song Transport will not attempt to provide service to, nor shall it respond to, emergency situations (commonly known as 911 calls) unless requested by an authorized official of the Newport News Fire Department or through written agreement with the City.
3. Heart Song Transport shall timely pay all federal, state and local taxes, shall obey all applicable federal, state and local laws and regulations, and shall keep its transport vehicles and medical equipment in a safe, neat, well-maintained and sanitary condition.

Approval is recommended.

James M. Bourey

JMB/daf

cc: Robert B. Alley, III, Chief, Newport News Fire Department (NNFD)

G:\JIM BOUREY\Correspondence\2014\June\Memo to HCC re Heart Song Transport Req to Operate 6.18.14.docx

sdm12646

RESOLUTION NO. _____

A RESOLUTION GRANTING CONDITIONAL APPROVAL FOR HEART SONG CARE TRANSPORT INCORPORATED, A PRIVATE EMERGENCY MEDICAL SERVICES AGENCY, TO PROVIDE CERTAIN TRANSPORT SERVICES WITHIN THE CITY OF NEWPORT NEWS.

WHEREAS, Section 15.2-955 of the Code of Virginia provides that no organization shall provide emergency medical services without prior approval by resolution of the local governing body; and

WHEREAS, Virginia Administrative Code regulation 12 VAC 5-31-420 also requires that any applicant for licensure by the Virginia Office of Emergency Medical Services include such local approval in its state license application; and

WHEREAS, Heart Song Care Transport Incorporated (hereinafter Heart Song), a private business, desires a state license to provide certain medical transport services in the City of Newport News, Virginia; and

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

1. That Heart Song is hereby granted approval to provide certain medical transport services within the City of Newport News, Virginia and to obtain agency license approval from the Virginia Office of Emergency Medical Services. The following requirements shall apply when Heart Song is providing services within the City of Newport News:

   a. Heart Song is not an agent or representative of the City of Newport News, Virginia, and shall limit its transport services to non-emergency transports.

   b. Heart Song may not attempt to provide service to, nor shall it respond to, emergency situations (commonly known as “911 Calls”) unless requested by an authorized official of the Newport News Fire Department, or through a written agreement with the City.

   c. Heart Song shall timely pay all federal, state and local taxes, shall obey all applicable federal, state and local laws and regulations, and shall keep its transport vehicles and medical equipment in a safe, neat, well-maintained and sanitary condition.

2. That this resolution shall be in effect on and after the date of its adoption, June 24, 2014.

F. Consent Agenda

6. Resolution Establishing the Employer Contribution Rate for Members of the Virginia Retirement System (VRS) in Accordance with the Proposed 2014 Appropriation Act, Item 467(I) of the Virginia General Assembly

ACTION: A REQUEST TO APPROVE A RESOLUTION ESTABLISHING THE EMPLOYER CONTRIBUTION RATE FOR MEMBERS OF THE VIRGINIA RETIREMENT SYSTEM (VRS) IN ACCORDANCE WITH THE PROPOSED 2014 APPROPRIATION ACT, ITEM 467 (I) OF THE VIRGINIA GENERAL ASSEMBLY.

BACKGROUND:

- This is the first of two items on VRS contribution rates which requires the approval of City Council.
- In addition, the Resolution is required by the Virginia General Assembly as part of the proposed 2014 Appropriation Act.
- The contribution rate has been accounted for in the recently approved FY 2015 City Operating Budget.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re VRS Contribution Rate by City

sdm12545 Reso Establishing Employer VRS Rates

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: City Contributions to the Virginia Retirement System (VRS)

The City of Newport News makes an election every biennium regarding the employer contributions to VRS in accordance with the 2014-2016 Appropriation Act. It has been the City's practice to pay based on the "Board-certified rate", which is the recommended employer contribution rate, in order to insure the continued full-funding of the City's VRS plan.

The contribution rate certified by the VRS Board of Trustees for the City is **6.01%** for Fiscal Years 2014-2016, a significant reduction from the 9.13% rate for FY 2013-2014. (In addition to the City contribution, each VRS employee also contributes 5% of salary to the Plan.) The new **6.01%** rate was used in the FY 2015 budget.

Currently, there are 884 City employees enrolled in VRS.

In addition, VRS requires that the City also approve a resolution concurring with the contribution rate selected by the School Board for its non-teaching staff. The School Board has also approved using the "Board certified rate" of 4.46% for its contribution to the Newport News Public Schools (NNPS) Plan 55637.

It is my recommendation that City Council approve the resolution authorizing the use of the recommended rate for the City, and concurring with the School Board's resolution for using the recommended rate for the School plan.

James M. Bourey

JMB/tm

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sdm12545

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE EMPLOYER CONTRIBUTION RATE FOR MEMBERS OF THE VIRGINIA RETIREMENT SYSTEM IN ACCORDANCE WITH THE PROPOSED 2014 APPROPRIATION ACT ITEM 467(I).

WHEREAS, Item 467(I) of the proposed 2014 Appropriation Act of the Virginia General Assembly (the State Budget) requires that the City of Newport News ("City") establish its employer contribution rate for Virginia Retirement System ("VRS") eligible employees, constitutional officers, and employees of constitutional officers (collectively referred to as "City employees," and referenced by VRS as "City of Newport News 55258 employees"), the rate to be effective July 1, 2014; and

WHEREAS, the proposed 2014 Appropriation Act establishes that the employer contribution rate for City employees shall be based on the higher of (a) the contribution rate in effect for FY 2012, or (b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the VRS Board of Trustees for the FY 2015-2016 biennium (the "Alternate Rate") provided that, at the City's option, the contribution rate may be based on the employer contribution rates certified by the VRS Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate").

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

1. That the City hereby elects to pay the certified rate of 6.01% as the VRS employer contribution rate for City employees effective July 1, 2014.

2. That the City certifies to the VRS Board of Trustees that it has reviewed and understands the information provided by the VRS outlining the potential future fiscal implications of any employer contribution election made under the provisions of this resolution.

3. That it authorizes and directs the City Manager and other appropriate employees to implement the provisions of this resolution, including the authority to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City for this purpose.

4. That this resolution shall be in effect on and after July 1, 2014.

F. Consent Agenda

7. Resolution Concurring with the Newport News School Board's (NNSB) Selection of a Virginia Retirement System (VRS) Employer Contribution Rate for the FY 2015-2016 Biennium

ACTION: A REQUEST TO APPROVE A RESOLUTION CONCURRING WITH THE NEWPORT NEWS SCHOOL BOARD'S (NNSB) SELECTION OF A VIRGINIA RETIREMENT SYSTEM (VRS) EMPLOYER CONTRIBUTION RATE FOR THE FY 2015-2016 BIENNIUM.

BACKGROUND:

- This is the second item on VRS contribution rates which requires City Council approval and the required Resolution by the Virginia General Assembly.
- The contribution rate has been accounted for in the School's FY 2015 Operating Budget.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

sdm12642 Reso Concurring with the NN School Board's Selection of a VRS Employer Contribution Rate

sdm12642

RESOLUTION NO. _____

A RESOLUTION CONCURRING WITH THE NEWPORT NEWS SCHOOL BOARD'S SELECTION OF A VIRGINIA RETIREMENT SYSTEM EMPLOYER CONTRIBUTION RATE FOR THE FY 2015-2016 BIENNIUM.

WHEREAS, the non-teaching staff (as defined by applicable law) of the Newport News School Board ("NNSB") participates in a Virginia Retirement System ("VRS") retirement plan formally identified as "Newport News Public Schools – 55637"; and

WHEREAS, Item 467(I) of the proposed 2014 Appropriations Act of the Virginia General Assembly (the State Budget) authorizes the NNSB to make an election regarding its VRS employer contribution rate every biennium; and

WHEREAS, the NNSB has been informed that for the FY 2015-2016 biennium it could select an employer contribution rate of 4.46% (the rate certified by the VRS Board of Trustees for the FY 2015-2016 biennium) or 6.5% (an alternate rate which is the higher of the rate certified by the VRS Board of Trustees for FY 2012 or eighty percent of the VRS Board-certified rate for FY 2015-2016); and

WHEREAS, the NNSB has formally acted to select the employer contribution rate of 4.46%; and

WHEREAS, Item 467(I) of the proposed 2014 Appropriations Act of the Virginia General Assembly requires that the Newport News City Council concur with the VRS employer contribution rate election made by the Newport News School Board; and

WHEREAS, State law requires that the act of concurrence be taken by the City Council no later than July 1, 2014.

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

1. Acknowledge that the Newport News School Board has selected the VRS employer contribution rate of 4.46% for the Newport News Public Schools Plan 55637.

2. Concur with the election to pay the rate of 4.46%.

BE IT FURTHER RESOLVED that the Newport News City Manager is hereby directed to forward a true and correct copy of this Resolution to VRS to be received by VRS on or before July 10, 2014.

BE IT FURTHER RESOLVED that this resolution shall be in effect on and after July 1, 2014.

G. Other City Council Actions

1. Ordinance Amending City Code, Chapter 29, Parks, Squares and Recreational Facilities; Article II., General Regulations Governing Parks, Squares, Beaches, Golf Courses, etc.; Section 29-46, Consumption and Possession of Alcoholic Beverages In or On Recreation Facilities

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 29, PARKS, SQUARES AND RECREATIONAL FACILITIES; ARTICLE II., GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC., SECTION 29-46, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN OR ON RECREATION FACILITIES; EXCEPTION FOR DEER RUN GOLF COURSES, THE DOWNING-GROSS CULTURAL ARTS CENTER, LEE HALL MANSION, ENDVIEW PLANTATION, THE NEWSOME HOUSE, THE VIRGINIA WAR MUSEUM, AND THE NEWPORT NEWS PARK CAMPSITES; INTOXICATED PERSONS PROHIBITED.

BACKGROUND:

- This Ordinance amendment adds Victory Landing Park to the exception list of City Code, Chapter 29; Article II., Section 29-46.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re Parks & Rec Facilities-Alcohol

sdm11760 Ord Amending Sec. 29-36 (adding Victory Landing Park)

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: City Code Amendment Regarding the Possession and Consumption of Alcohol in or on Parks and Recreation Facilities

The City currently has a prohibition regarding the possession or consumption of alcoholic beverages in or on Parks and Recreation facilities. There are some appropriate exceptions such as the Deer Run Golf Course, Lee Hall Mansion, Downing Gross Cultural Arts Center and Leeward Marina to give a few examples.

As we gear up for the "One City Marathon" in March 2015, Victory Landing Park is the location selected for the end of the race where participants and attendees will engage in various celebratory activities, and alcohol will be available.

The proposed ordinance amends the language to include Victory Landing Park as a location where the possession or consumption of alcohol would be permitted as deemed appropriate for various activities and events to be held there in the future.

I recommend approval of the ordinance as presented.

James M. Bourey

JMB:CDR:cno

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sdm11760

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 29, PARKS, SQUARES AND RECREATIONAL FACILITIES, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II. GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC., SECTION 29-46, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN OR ON RECREATION FACILITIES; EXCEPTION FOR DEER RUN GOLF COURSES, THE DOWNING-GROSS CULTURAL ARTS CENTER, LEE HALL MANSION, ENDVIEW PLANTATION, THE NEWSOME HOUSE, THE VIRGINIA WAR MUSEUM, AND THE NEWPORT NEWS PARK CAMPSITES; INTOXICATED PERSONS PROHIBITED.

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

That Chapter 29, Parks, Squares and Recreational Facilities, of the Code of the City of Newport News, Virginia, Article II., General Regulations Governing Parks, Squares, Beaches, Golf Courses, Etc., Section 29-46, Consumption and possession of alcoholic beverages in or on recreation facilities; exception for Deer Run Golf Courses, the Downing-Gross Cultural Arts Center, Lee Hall Mansion, Endview Plantation, the Newsome House, the Virginia War Museum, and the Newport News Park campsites; intoxicated persons prohibited, be, and the same hereby is, amended and reordained as follows:

CHAPTER 29

PARKS, SQUARES AND RECREATIONAL FACILITIES

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

Sec. 29-46. Consumption and possession of alcoholic beverages in or on recreation facilities; exception for Deer Run Golf Courses, the Downing-Gross Cultural Arts Center, Lee Hall Mansion, Endview Plantation, the Newsome House, the Warwick Courthouse, the Leeward Municpal Marina, the Virginia War Museum, Victory Landing Park, and the Newport News Park campsites; intoxicated persons prohibited.

(a) It shall be unlawful for any person to consume any alcoholic beverage or have in his possession any opened alcoholic beverage container while in or on a recreation facility owned by the city.

(b) The Deer Run Golf Courses, the Downing-Gross Cultural Arts Center, Lee Hall Mansion, Endview Plantation, the Newsome House, the Warwick Courthouse, the Leeward Municipal Marina, the Virginia War Museum, Victory Landing Park and the Newport News Park campsites shall be exempt from the operation of the prohibitions contained in subsection (a) of this section when authorized by the city manager (or his designee) and when authorization to sell or distribute beverages on premises and to consume same is granted by the appropriate alcoholic beverage control permit or license.

(c) It shall be unlawful for a person who is intoxicated, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, to be on the grounds or in the buildings or structures of the Deer Run Golf Courses, the Downing-Gross Cultural Arts Center, Lee Hall Mansion, Endview Plantation, the Newsome House, the Warwick Courthouse, the Leeward Municial Marina, the Virginia War Museum, Victory Landing Park and the Newport News Park campsites.

(d) It shall be unlawful for any person under the influence of alcohol or self-administered drugs to enter upon or utilize any other park or recreation facility owned or operated by the city.

(e) Any person violating this ordinance shall be guilty of a Class 4 misdemeanor.

G. Other City Council Actions

2. Ordinance Amending City Code, Chapter 2, Administration; Article I., In General; Section 2-13., Contract Execution by City Manager or His Designee

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 2, ADMINISTRATION; ARTICLE I., IN GENERAL; SECTION 2-13., CONTRACT EXECUTION BY CITY MANAGER OR HIS DESIGNEE

BACKGROUND:

- This Ordinance amendment is requested to clarify the language in the City Code regarding the City Manager and his designee to execute City contracts.
- The Ordinance also provides for the City Manager to delegate contract signing authority to the purchasing agent and his designee for the purchase of goods and services.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re Contract Execution
sdm12589 Ord Amending Sec. 2-13, Contract execution

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Contract Execution

City Code, Chapter 2, Administration; Article I., In General; Section 2-13, provides direction to the City Manager or his designee on executing City contracts; however, the language does not clarify the types of contracts and is inconsistent with other parts of the Code.

This ordinance amends the City Code to set forth the City Manager's authority to execute all contracts on behalf of the City. The ordinance also provides for the City Manager to delegate contract signing authority to the purchasing agent and his designee for the purchase of goods and services in the amounts as deemed necessary.

I recommend approval of the ordinance.

James M. Bourey

James M. Bourey

JMB:CDR:cno

sdm12589

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 2-13, CONTRACT EXECUTION BY CITY MANAGER OR HIS DESIGNEE.

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

1. That Chapter 2, Administration, of the Code of the City of Newport News, Virginia, Article I, In General, Section 2-13, Contract execution by city manager or his designee, be, and the same hereby is, amended and reordained as follows:

CHAPTER 2

ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-13. Contract execution ~~by city manager or his designee.~~

(a) The city manager, or his designee, shall have the authority to execute ~~only those~~all city contracts. ~~listed below, without prior council approval:~~

~~(b) All such contracts shall be reviewed and approved as to form and legality by the city attorney or an assistant city attorney prior to execution.~~

(~~1~~b) The City Manager shall have the authority to delegate to the purchasing agent, and his designee, the authority to execute contracts for the purchase of goods and services in and for such amounts as he may designate~~not more than thirty thousand dollars ($30,000.00).; or~~

(~~2~~) ~~Contracts with concessionaires and vendors in order to implement appropriate programs for city-sponsored special events, including, without limitation, the "Fall Festival," and "The Fourth of July."~~

2. That this ordinance shall be in effect on and after the date of its adoption, June 24, 2014.

G. Other City Council Actions

3. Ordinance Amending City Code, Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund; Division 5., Eligibility for, Receipt and Amounts of, Retirement Benefits; Section 31-59, Annual Review of Disability Recipients; Continuation, Cessation or Adjustment of Allowances or Benefits; Division 7., Administration; Section 31-79, Investment of Reserves

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 31, PENSIONS AND RETIREMENT; ARTICLE II., EMPLOYEES' RETIREMENT FUND; DIVISION 5., ELIGIBILITY FOR, RECEIPT AND AMOUNTS OF, RETIREMENT BENEFITS; SECTION 31-59, ANNUAL REVIEW OF DISABILITY RECIPIENTS; CONTINUATION, CESSATION OR ADJUSTMENT OF ALLOWANCES OR BENEFITS; DIVISION 7., ADMINISTRATION; SECTION 31-79, INVESTMENT OF RESERVES.

BACKGROUND:

- This request comes from the Board of Trustees of the Newport News Employees' Retirement Fund (NNERF).
- Approval of the request will allow the Disability Review Committee to request medical exams to provide streamlining of the process.
- It will also allow the Investment Committee to permit an asset allocation which includes additional equities at a higher threshold than 65%, but limiting it to no more than 75%.
- In addition, it also allows for investment in fixed income funds which will have higher yielding corporate bonds in the portfolio, but would further limit any investment in bonds rated lower than “A” to no more than 5% of the Fund.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re Pensions & Retirement
sdm12227 Ord Amending Chapter 31, Secs. 31-59 and 31-79

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Changes to Pension Fund Investment Policy and Change of Process for Disability Claims

The Retirement Board is recommending that City Council approve a change in the investment options allowed in the City Pension Fund. Currently, the Code requires that the Fund investments in equities (stocks of domestic and international companies) not exceed 65% of the Fund's assets. After consulting with the Fund's investment advisor and a recommendation from the Investment Committee, the Retirement Board is recommending that the limit on investment in equities be increased to 75%. The other requested change is to amend the limitation for investing in corporate bonds. Currently, the Fund is not allowed to invest in any corporate bonds with ratings less than BBB. The Retirement Board is requesting an amendment which will not allow investments in bonds rated less than BB. This change would allow the Fund to invest in fixed income funds which have higher yielding corporate bonds in their portfolio, but would further limit any investment in bonds rated lower than "A" to no more than 5% of the Fund.

All disability claims by employees are heard by the Disability Review Committee, a sub-committee of the Retirement Board. Currently, the Retirement Board must approve any recommendation to request that a disability recipient to undergo medical exam or "functional capacity review" to determine their ability to continue receiving disability. The Retirement Board recommends that the Disability Review Committee have the authority to request a medical exam or "functional capacity review" without approval of the Board, in order to expedite the annual review of disability recipients.

I recommend approval of these changes.

James M. Bourey

JMB/tm

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sdm12227

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 31, PENSIONS AND RETIREMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., EMPLOYEES' RETIREMENT FUND, DIVISION 5., ELIGIBILITY FOR, RECEIPT AND AMOUNTS OF, RETIREMENT BENEFITS, SECTION 31-59, ANNUAL REVIEW OF DISABILITY RECIPIENTS; CONTINUATION, CESSATION OR ADJUSTMENT OF ALLOWANCES OR BENEFITS; AND DIVISION 7., ADMINISTRATION, SECTION 31-79, INVESTMENT OF RESERVES.

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

1. That Chapter 31, Pensions and Retirement, of the Code of the City of Newport News, Virginia, Article II., Employees' Retirement Fund, Division 5., Eligibility for, receipt and amounts of, retirement benefits, Section 31-59, Annual review of disability recipients; continuation, cessation or adjustment of allowances or benefits; and Division 7., Administration, Section 31-79, Investment of reserves, be, and the same hereby is amended and reordained, as follows:

CHAPTER 31

PENSIONS AND RETIREMENT

ARTICLE II. EMPLOYEES' RETIREMENT FUND

DIVISION 5. ELIGIBILITY FOR, RECEIPT AND AMOUNTS OF, RETIREMENT BENEFITS

Sec. 31-59. Annual review of disability recipients; continuation, cessation or adjustment of allowances or benefits.

(a) The board<u>, or the disability review committee,</u> may require any recipient of a disability retirement allowance pursuant to section 31-56 or section 31-57 of this Code, or of a partial disability benefit pursuant to section 31-58 of this Code, to undergo medical and functional capacity examinations by a physician or other qualified professional selected by the fund prior to the date on which the recipient attains age sixty (60). Should a recipient refuse to submit to any such examination, the recipient's disability retirement allowance or partial disability benefit shall be discontinued during the continuation of such refusal; and should such refusal continue for one (1) year, all the recipient's rights to any further disability retirement allowance or partial disability benefit payments shall cease.

(b) Whenever, as a result of a medical or functional capacity examination of a recipient of a disability retirement allowance as provided for in subsection (a) of this section, or other relevant evidence, the board determines that such recipient is no longer totally and permanently disabled, and is engaged in gainful activity or is able to engage in gainful activity, the disability retirement allowance shall cease. Except as provided in section 31-58(h), the period during which the recipient received a disability retirement allowance shall not be counted as credited service.

(c) Whenever a disability retirement allowance is terminated under subsection (b) of this section, but the board determines that the recipient remains partially disabled due to the same disability for which the retirement allowance was initially awarded, to the extent that the recipient is still incapable of performing the essential functions of the recipient's former position with the participating employer and the recipient's earning capacity has been reduced permanently by such partial disability, such recipient shall be awarded a partial disability benefit in place of the terminated disability retirement allowance. Such partial disability benefit shall be governed in every respect by the provisions of section 31-58, as though it had been awarded initially in lieu of a disability retirement allowance and shall commence immediately upon termination of the disability retirement allowance.

(d) Whenever, as a result of a medical or functional capacity examination of a recipient of a partial disability benefit as provided in subsection (a) of this section, or other relevant evidence, the board determines that there has been an improvement in the recipient's medical condition related to the same disability for which the partial disability benefit was initially awarded to the extent that the recipient is capable of performing the essential functions of the recipient's former position with the participating employer, the board shall reevaluate such recipient's partial disability benefit.

(e) Notwithstanding anything to the contrary in this Code, the board's decision to grant, deny or terminate a disability retirement allowance or a partial disability benefit need never be based solely on the results of a medical examination. The board may also consider reports of vocational rehabilitation counselors, financial evidence, the testimony of lay and expert witnesses, whether the applicant or recipient is receiving disability benefits under social security or the Virginia Workers' Compensation Act and any other relevant evidence. The recipient shall annually submit a report on the recipient's personal efforts toward rehabilitation, along with a written statement attesting to the fact that there has been no change in the recipient's condition which would result in any adjustment to or cessation of disability benefits, or if changes have occurred, a statement describing any such change. In addition to such annual reporting, or as otherwise required by the board, it shall be the duty of any recipient of a disability retirement allowance or a partial disability benefit to notify the board within thirty (30) days of any material change in the recipient's medical condition, or of any gainful activity in which the recipient becomes engaged. Failure of the recipient to furnish the information required by the board under this subsection in a timely manner or failure of the recipient to cooperate with vocational rehabilitation counselors in order to derive maximum benefit from rehabilitation services offered at the participating employer's expense shall constitute grounds for the board to deny or terminate the disability

retirement allowance or to deny or order a reduction or cessation of the partial disability benefit to such recipient.

DIVISION 7. ADMINISTRATION

Sec. 31-79. Investment of reserves.

(a) The board shall have full power, in its sole discretion, to invest and reinvest all funds and property of the fund pursuant to the provisions of this article.

(b) The board is hereby delegated the power and authority to enter into an agreement with one (1) or more persons or qualified institutions under which the investment responsibilities of the board shall be delegated to such person or institution. Such agreement shall be executed by the chairman of the board.

(c) The reserve of the fund shall be invested only in:

(1) Interest-bearing bonds or other obligations of the United States or the state;

(2) General obligation bonds and revenue bonds, and other debt, of the state or of any political subdivision within the state;

(3) Corporate bonds rated "A" or higher by two (2) out of three (3) nationally known security rating concerns, provided, however, that no more than ~~one~~five (~~1~~5) percent of the fund may be invested in corporate bonds rated less than "A" but not less than "~~BBB~~BBB";

(4) Federally insured mortgages and mortgage pass throughs on a to-be-announced (TBA) basis as long as funds are set aside to purchase the mortgage on settlement date so as not to leverage the fund;

(5) Equities in both the public and private markets;

(6) Certificates of deposit;

(7) Guaranteed investment contracts;

(8) Real estate; and

(9) Standing timber and timber rights.

The investments in equities, excluding equities in real estate investment trusts, shall not

exceed ~~sixty-five~~seventy-five (~~65~~75) percent of the market value of the assets of the fund as reported on a calendar quarterly basis. To the extent such percentage limitation is exceeded as of the end of any quarter, the board shall take such action as may be necessary to reduce the equity allocation to the required percentage as soon as practicable.

2. That this ordinance shall be in effect on and after July 1, 2014.

G. Other City Council Actions

4. Resolution Approving a Payment Agreement Related to the Support of Apprentice School Parking Facilities

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING A PAYMENT AGREEMENT BETWEEN THE CITY AND THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) OF THE CITY OF NEWPORT NEWS, VIRGINIA, TO SUPPORT THE ACQUISITION AND FINANCING OF PARKING FACILITIES ASSOCIATED WITH THE APPRENTICE SCHOOL AND MIXED-USE DEVELOPMENT PROJECT.

BACKGROUND:

- It is now advantageous for the IDA to exercise its option under its existing Parking Structure Lease (Lease) to acquire the parking structure and related surface parking facilities associated with the $70 million Apprentice School and Mixed-Use Development Project (Project).
- By securing long-term, fixed-rate financing, the IDA can save the City approximately $2.1 million (present value) over the remaining term of the Lease.
- The proposed financing structure has been reviewed by the City's financial advisor, PFM, and confirmed to be competitive and advantageous to the City.
- A Payment Agreement between the City and IDA is needed to support the acquisition and financing of the parking facilities.
- The City Manager recommends approval.

FISCAL IMPACT:

- N/A

Supporting Material

CM Memo re A-School Parking Structure
sdm12691 Reso Approving a Payment Agreement re Apprentice School Parking Garage

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Apprentice School Parking Structure Purchase Option

Council will recall that in 2012, it supported and assisted in the development of a new state-of-the-art shipbuilding training facility (the Apprentice School) for Huntington Ingalls Incorporated (HII) located on approximately 6.50 acres of land in the downtown area. This project included an 86,000 square-foot training facility, a 382-space, multi-story parking structure with additional surface parking, 179 units of apprentice and workforce rental housing and 34,160 square feet of retail and commercial ground-level rental space. The Project involved a campus-like setting with approximately $70 million of public-private investment.

The Commonwealth supported the Project through a multi-year $32.8 million grant for the construction and equipping of the school facility (Grant) using the Industrial Development Authority (IDA) of the City of Newport News, Virginia as the fiscal agent. The Grant required HII to invest at least $300 million in taxable capital improvements in Newport News, create and maintain a minimum of 1,000 full-time jobs within the Virginia-class Submarine Program in the City, maintain at least $59.9 million annually in training expenses and maintain an apprenticeship program with an average annual enrollment of at least 750 students.

The Apprentice School, parking structure, apartments and retail components opened in December 2013. The private sector capital and employment investments have been met, or exceeded, by HII and the Developer, Armada Hoffler, and have resulted in substantial increases in the City's tax base and tax and fee revenues.

To provide an inducement for the Project, the City and IDA participated with financial support of the land assembly, delivery of the structured and surface parking, utility relocations and other public infrastructure. Under the Development Agreement, the Developer, acting through its affiliate Washington Avenue Garage LLC (WAG), was required to construct the parking facilities and lease those facilities to the IDA. The IDA entered into a Parking Structure Lease (Lease) which included rental payments to provide recovery by the Developer of the acquisition, development, construction and financing costs of the parking

structures. The Lease also included an annual purchase option of the parking facilities based upon the remaining investment balance.

On February 28, 2012, Council passed Resolution 12260-12 supporting the Project and authorizing a moral obligation agreement between the City and the IDA whereby the City would provide the necessary funds, subject to annual appropriation, for the IDA to pay its annual rental payments under the Lease. The moral obligation includes payments, subject to annual appropriation, of $1.5 million for each of the first five years and $1.6 million for each of the ten years thereafter, for a lease term not to exceed fifteen years and with a condition that at the end of the lease term, or earlier at the IDA's option under the Lease, the parking facilities shall be conveyed to the IDA. At this time, Council has appropriated to the IDA, and the IDA has made, two $1.5 million payments to WAG.

After the City's recent successful bond issue, enhanced credit ratings by rating agencies Standard & Poor's and Moody's, and in anticipation of increases in long-term interest rates in the coming months as the credit markets respond to the Federal Reserve monetary policies, I asked staff to review the purchase option and financing alternatives for the Apprentice School Garage. The purchase option price is $12.7 million. After a solicitation for proposals from five (5) local financial institutions and a review and comparison of competitive rates and terms between those institutions, we have found that it is now advantageous for the IDA to exercise its purchase option on the garage and secure long-term, fixed-rate financing for thirteen (13) years through TowneBank. With a fixed interest rate of 3.80%, the IDA can save the City approximately $2.1 million (present value) over the remaining term. The proposed financing structure has been reviewed by the City's financial advisor, PFM, and confirmed to be competitive and advantageous to the City.

I recommend that Council authorize and direct the City Manager to execute, a new Payment Agreement between the City and the IDA to support the acquisition and financing of the garage and related improvements. The payment obligations of the City under the Payment Agreement shall be less, both annually and in total, than under the original agreement and shall be subject to annual appropriation by Council.

James M. Bourey

JMB:ndw

cc: Thomas P. Herbert, P.E., Chair, Industrial Development Authority (IDA)
Lisa J. Cipriano, Director, Office of Budget & Evaluation
Florence G. Kingston, Director, Department of Development

sdm12691

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING A PAYMENT AGREEMENT FOR THE BENEFIT OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA, IN SUPPORT OF PARKING FACILITIES SUPPORTING AN ADVANCED SHIPBUILDING TRAINING FACILITY AND ADJACENT, RELATED, MIXED-USE DEVELOPMENT.

WHEREAS, the Industrial Development Authority of the City of Newport News, Virginia, a political subdivision of the Commonwealth of Virginia (the Authority) was duly established by the City Council (the Council) of the City of Newport News, Virginia (the City), and is duly organized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the Act); and

WHEREAS, under the Act, it is the purpose of the Authority to promote industry and develop trade by inducing manufacturing, industrial, governmental, educational and commercial enterprises to locate in or remain in the Commonwealth of Virginia for the purpose of promoting the safety, health, welfare, convenience, education or prosperity of the inhabitants of the Commonwealth of Virginia, or for the increase of their commerce; and

WHEREAS, pursuant to an Advanced Shipbuilding Training Facility Grant Program (the Grant Program) established under Section 59.1-284.23 of the Code of Virginia of 1950, as amended, Huntington Ingalls Incorporated (HII), a Virginia corporation, formerly Northrop Grumman Shipbuilding, Inc., the Authority and the City developed a new state of the art shipbuilding training facility (the New Training Facility) in the downtown area of the City and, in concert therewith, developed (a) additional facilities adjacent to the New Training Facility, including a 382-space multistory parking structure with controlled access to designated areas such that users may have access on a monthly, daily or hourly fee basis, along with surface parking spaces within the project area (the Parking Facilities), and (b) apprentice and workforce rental housing available to the public along with retail, restaurant or other commercial facilities (Housing/Retail), all such additional development constituting the Private Capital Target, as defined and described in the Grant Program and required thereby, the New Training Facility, Parking Facilities and Housing/Retail defined herein collectively as the Project (the Project); and

WHEREAS, the Project has created additional full-time jobs within the City, enhanced HII's training programs, created private capital investment, promoted student enrollment both at the New Training Facility and local community colleges, substantially increased the City's tax base and fee revenues and benefited the citizens of the City and economic development within the City's downtown area; and

WHEREAS, Washington Avenue Associates, L.L.C. (the Developer), an affiliate of Armada Hoffler Development Company, developed the new Project; and

WHEREAS, to induce the Project, the City and the Authority provided financial support with respect to land assembly, utility relocations and improvements and other public infrastructure; and

WHEREAS, under development agreements, (a) the Developer constructed, among other components of the Project, the Parking Facilities for lease to the Authority, (b) the Authority entered into a Parking Structure Lease (the Parking Structure Lease) which included rental payments to provide recovery by the Developer of the development and financing costs for land assembly, parking facilities, construction costs and utility relocations and improvements within and around the Project area, and (c) the Authority secured its Parking Structure Lease rental payments by entering into a Moral Obligation Agreement (the Moral Obligation Agreement) with the City whereby the City, subject to annual appropriation, provides the necessary funds to pay the Authority's rental payments under the Parking Structure Lease; and

WHEREAS, the Parking Structure Lease provides for the Parking Facilities to be conveyed to the Authority at the end of the lease term or earlier under the Authority's purchase option set forth in the Parking Structure Lease; and

WHEREAS, the City and the Authority have determined to exercise such purchase option on or before July 31, 2014, and to finance the purchase price of $12,700,000 and costs of issuance by the issuance by the Authority of its Parking Facilities Revenue Bond (Taxable), Series 2014 (the Bond); and

WHEREAS, the City and the Authority have further determined that debt service savings with respect to the Bond will be achieved by entering into a Payment Agreement between the City and the Authority (the Payment Agreement) whereby the City, subject to annual appropriation, will provide the necessary funds to pay principal of, prepayment premium, if any, and interest on the Bond when due; and

WHEREAS, the Authority has awarded the Bond to TowneBank (the Bank) upon the terms and conditions set forth in Exhibit A to the Payment Agreement; and

WHEREAS, a draft of the Payment Agreement has been presented at this meeting and the City Manager recommends the Council's approval of the Payment Agreement and the Council's authorization of its execution on substantially the terms contained in the attached draft; and

WHEREAS, the Council hereby determines that a valid public purpose will be served by the purchase of the Parking Facilities.

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, the Payment Agreement which substantially conforms with the terms of the draft Payment Agreement presented at this meeting which is attached hereto, with any changes to such agreement which the City Manager agrees to make first being reviewed as to form by the City Attorney before execution thereof.

2. That the payment obligations of the City under the Payment Agreement shall be subject to annual appropriation by the Council for such purpose and shall not constitute a debt or other binding legal obligation of the City for the payment of money.

3. That an executed original of the Payment Agreement shall be kept on file in the City's Department of Development.

4. That this resolution shall be in effect on and after the date of its adoption, June 24, 2014.

PAYMENT AGREEMENT

THIS PAYMENT AGREEMENT (this Payment Agreement), made and entered into as of the 15th day of July, 2014, between the CITY OF NEWPORT NEWS, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the City) and the INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the Authority).

W I T N E S S E T H :

WHEREAS, the Authority was duly established by the City and is duly organized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the Act); and

WHEREAS, under the Act, it is the purpose of the Authority to promote industry and develop trade by inducing manufacturing, industrial, governmental, educational and commercial enterprises to locate in or remain in the Commonwealth of Virginia for the purpose of promoting the safety, health, welfare, convenience, education or prosperity of the inhabitants of the Commonwealth of Virginia, or for the increase of their commerce; and

WHEREAS, pursuant to an Advanced Shipbuilding Training Facility Grant Program (the Grant Program) established under Section 59.1-284.23 of the Code of Virginia of 1950, as amended, Huntington Ingalls Incorporated (HII), a Virginia corporation, formerly Northrop Grumman Shipbuilding, Inc., the Authority and the City developed a new state of the art shipbuilding training facility (the New Training Facility) in the downtown area of the City and, in concert therewith, developed (a) additional facilities adjacent to the New Training Facility, including a 382-space multistory parking structure with controlled access to designated areas such that users may have access on a monthly, daily or hourly fee basis, along with surface parking spaces within the project area (the Parking Facilities), and (b) apprentice and workforce rental housing available to the public along with retail, restaurant or other commercial facilities (Housing/Retail), all such additional development constituting the Private Capital Target, as defined and described in the Grant Program and required thereby, the New Training Facility, Parking Facilities and Housing/Retail defined herein collectively as the Project (the Project); and

WHEREAS, the Project has created additional full-time jobs within the City, enhanced HII's training programs, created private capital investment, promoted student enrollment both at the New Training Facility and local community colleges, substantially increased the City's tax base and fee revenues and benefited the citizens of the City and economic development within the City's downtown area; and

WHEREAS, Washington Avenue Associates, L.L.C. (the Developer), an affiliate of Armada Hoffler Development Company, developed the new Project; and

WHEREAS, to induce the Project, the City and the Authority provided financial support with respect to land assembly, utility relocations and improvements and other public infrastructure; and

WHEREAS, under development agreements, (a) the Developer constructed, among other components of the Project, the Parking Facilities for lease to the Authority, (b) the Authority entered into a Parking Structure Lease (the Parking Structure Lease) which included rental payments to provide recovery by the Developer of the development and financing costs for land assembly, parking facilities, construction costs and utility relocations and improvements within and around the Project area, and (c) the Authority secured its Parking Structure Lease rental payments by entering into a Moral Obligation Agreement (the Moral Obligation Agreement) with the City whereby the City, subject to annual appropriation, provides the necessary funds to pay the Authority's rental payments under the Parking Structure Lease; and

WHEREAS, the Parking Structure Lease provides for the Parking Facilities to be conveyed to the Authority at the end of the lease term or earlier under the Authority's purchase option set forth in the Parking Structure Lease; and

WHEREAS, the City and the Authority have determined to exercise such purchase option on or before July 31, 2014, and to finance the purchase price of $12,700,000 and costs of issuance by the issuance by the Authority of its Parking Facilities Revenue Bond (Taxable), Series 2014 (the Bond); and

WHEREAS, the City and the Authority have further determined that debt service savings with respect to the Bond will be achieved by entering into this Payment Agreement whereby the City, subject to annual appropriation, will provide the necessary funds to pay principal of, prepayment premium, if any, and interest on the Bond when due; and

WHEREAS, the Authority has awarded the Bond to TowneBank (the Bank) upon the terms and conditions set forth in Exhibit A to this Payment Agreement; and

WHEREAS, by duly adopted Resolution No. _____, the Council of the City of Newport News, Virginia (the Council), has authorized the execution and delivery of this Payment Agreement by the City Manager; and

WHEREAS, by duly adopted Resolution No. _____, the Board of Directors of the Authority (the Board) has authorized the execution and delivery of this Payment Agreement by the Authority's designated officer or officers;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants hereinafter contained, the parties hereto covenant and agree as follows:

ARTICLE I.
DEFINITIONS AND RULES OF CONSTRUCTION

1. Definitions. Except as otherwise defined herein, words defined in the Bond Purchase Agreement, hereinafter defined, are used in this Payment Agreement with the meanings assigned to them in the Bond Purchase Agreement, an executed original of which has been delivered with this Payment Agreement. In addition, the following words as used in this Payment Agreement shall have the following meanings unless a different meaning clearly appears from the context:

"Act" shall have the meaning given in the preambles to this Payment Agreement.

"Agreement" or "Payment Agreement" means this Payment Agreement, dated as of July 15, 2014, between the Authority and the City, and any duly authorized amendments or supplements hereto.

"Authority Resolution" means the Resolution of the Authority adopted on July 11, 2014.

"Bank" shall have the meaning given in the preambles to this Payment Agreement.

"Board" shall have the meaning given in the preambles to this Payment Agreement.

"Bond" shall have the meaning given in the preambles to this Payment Agreement.

"Bond Year" means the period beginning on the date of issue of the Bond and ending on June 30, 2015, and, thereafter, each twelve-month period beginning on each July 1.

"Bond Purchase Agreement" means the Bond Purchase and Loan Agreement, dated as of July 15, 2014, between the Authority and the Bank, together with all duly authorized amendments thereto.

"Council" shall have the meaning given in the preambles to this Payment Agreement.

"Parking Facilities" shall have the meaning given in the preambles to this Payment Agreement.

"Pay" or "to pay" means any expenditure of money by the City in any Bond Year in connection with this Payment Agreement is subject to appropriation by the Council and solely for the Bond Year in which such appropriation is made, constitutes a current expense of the City within such Bond Year, and is subject to any prohibitions, restrictions or regulations imposed by applicable law.

"Resolution" means Resolution No. _____ enacted by the Council on June 24, 2014.

Section 1.2. Rules of Construction. Unless the context clearly indicates to the contrary, the following rules shall apply to the construction of this Payment Agreement:

(a) Words importing the singular number shall include the plural number and vice versa;

(b) Words importing the masculine gender shall include the feminine and neuter genders and vice versa;

(c) Unless otherwise indicated, all references herein to particular Articles or Sections are references to Articles or Sections of this Payment Agreement; and

(d) The headings herein are solely for convenience of reference and shall not constitute a part of this Payment Agreement nor shall they affect its meaning, construction or effect.

ARTICLE II.

REPRESENTATIONS

Section 2.1. Representations of the City. The City makes the following representations in connection with its undertakings pursuant to this Payment Agreement:

(a) The City (i) is a political subdivision of the Commonwealth of Virginia, (ii) has the power to enter into this Payment Agreement and the transactions contemplated hereby and to perform its obligations hereunder, and (iii) by proper action has duly authorized the execution and delivery of, and performance of its obligations under, this Payment Agreement;

(b) The execution and delivery of and compliance by the City with the terms and conditions of this Payment Agreement will not conflict with, or constitute or result in a default under or violation of, any existing law, rule or regulation applicable to the City, and no event has occurred and is continuing that with the lapse of time or the giving of notice, or both, would constitute or result in such a default or violation;

(c) The City has delivered to the Authority the following documents, each dated or certified as of the date of delivery of this Payment Agreement: (i) a certified copy of the Resolution; and (ii) an opinion of the City Attorney, subject to customary exceptions and qualifications, substantially to the effect that this Payment Agreement has been duly authorized, executed and delivered by the City and is enforceable against the City in accordance with its terms;

(d) No further approval, consent or withholding of objection on the part of any regulatory body or any official is required as a condition precedent to the execution or delivery of, or performance by the City with, the terms and conditions of this Payment Agreement;

(e) No litigation, inquiry or investigation of any kind in or by any judicial or administrative court or agency is pending or, to the City's knowledge, threatened against it with respect to (i) the creation and existence of the City, (ii) its authority to execute and deliver this Payment Agreement, (iii) the validity or enforceability of this Payment Agreement, (iv) the title of any officer of the City executing this Payment Agreement, or (v) any authority or proceedings related to the execution and delivery of this Payment Agreement on behalf of the City, and no such authority or proceeding has been repealed, revoked, rescinded or amended, and each is in full force and effect on the date hereof;

(f) When duly executed and delivered on behalf of the City, and assuming the due authorization, execution and delivery by the Authority, this Payment Agreement, shall constitute a valid and binding obligation of the City enforceable against the City in accordance with its terms.

Section 2.2 Representations of the Authority. The Authority makes the following representations in connection with its undertakings pursuant to this Payment Agreement:

(a) The Authority is a duly constituted political subdivision of the Commonwealth of Virginia created under the Act;

(b) Under the provisions of the Act, the Authority is duly authorized to enter into, execute and deliver the Bond Purchase Agreement, to undertake the transactions contemplated by the Bond Purchase Agreement and to carry out its obligations thereunder;

(c) Under the provisions of the Act, the Authority is duly authorized to enter into, execute and deliver this Payment Agreement, to undertake the transactions contemplated by this Payment Agreement and to carry out its obligations hereunder;

(d) By duly adopted resolution dated July 11, 2014, the Authority has duly authorized the issuance and sale of the Bond, and the execution, delivery and performance of the Bond Purchase Agreement, this Payment Agreement and all related documents;

(e) The Authority's issuance and sale of the Bond, and its execution and delivery of and performance under the Bond Purchase Agreement, this Payment Agreement and all related documents will not conflict with, or constitute a breach of or default under, or require any consent pursuant to, any law or regulation presently applicable to the Authority (except for such consents and approvals as have heretofore been obtained), the bylaws of the Authority, any order of any court, regulatory body or arbitral tribunal or any agreement or instrument to which the Authority is party or by which it is bound;

(f) To the knowledge of the Authority, there are no judicial, regulatory or arbitral proceedings pending or threatened against the Authority which, if decided adversely to the Authority, would have a material adverse effect on the issuance and sale of the Bond or any of the transactions or undertakings of the Authority in connection therewith;

(g) When duly executed and delivered on behalf of the Authority, the Bond, and assuming the due authorization, execution and delivery by the other parties thereto, each of the Bond Purchase Agreement and this Payment Agreement, shall constitute a valid and binding obligation of the Authority enforceable against the Authority in accordance with their terms;

(h) The Authority will cause the proceeds of the Bond to be applied solely to the purchase of the Parking Facilities and the payment of cost of issuance with respect to the issuance of the Bond;

(i) The Authority will use the Parking Facilities, or cause them to be used, in accordance with the Act and the Bond Purchase Agreement;

(j) The Bond Purchase Agreement and this Payment Agreement do not contain any misrepresentation or untrue statement of material fact or omit to state a material fact necessary in order to make any such representation or statement contained therein not misleading;

(k) The Authority has delivered to the City the following documents, each dated or certified as of the date of delivery of this Payment Agreement: (i) a certified copy of the Authority Resolution; (ii) an opinion of counsel to the Authority, subject to customary exceptions and qualifications, substantially to the effect that the Bond Purchase Agreement and this Payment Agreement have been duly authorized, executed and delivered by the Authority and are enforceable against the Authority in accordance with their respective terms; and (iii) an approving opinion of Bond Counsel as to the validity of the Bond;

(l) No litigation of any kind or any proceeding before any court at law or in equity or before any governmental agency is now pending or, to the best of the Authority's knowledge, threatened with respect to (i) the organization or existence of the Authority, (ii) its authority to execute and deliver the Bond Purchase Agreement, this Payment Agreement or any related document and to issue the Bond, (iii) the validity or enforceability of the Bond, the Bond Purchase Agreement, this Payment Agreement or any related document or the transactions contemplated thereby or hereby, (iv) the titles of the officers who executed or will execute the Bond, the Bond Purchase Agreement, this Payment Agreement or any related document, (v) any authority or proceedings relating to the execution and delivery of the Bond Purchase Agreement, this Payment Agreement or any related document by the Authority or the issuance of the Bond, (vi) the ability of the Authority to own or operate the Parking Facilities, or (vii) any matter which would have a material adverse effect on the Authority's business, assets, condition (financial or otherwise), operations or prospects;

(m) The Authority is not in default in the payment of the principal of or interest on any of its obligations for borrowed money and is not in default under any instrument under and subject to which any obligations for borrowed money have been incurred. No event or condition has happened or existed, or is happening or existing, under the provisions of any such instrument, including but not limited to this Payment Agreement, which constitutes, or which, with the lapse of time or the giving of notice, or both, would constitute or result in an event of default thereunder; and

(n) The Authority is not in violation of the Act.

ARTICLE III.
OBLIGATIONS OF PARTIES

Section 3.1 Obligations of the Authority.

(a) The Authority shall deliver to the City, annually no later than March 1, a statement of the amounts payable under the Bond in the next succeeding Bond Year, which also constitutes a fiscal year of the City.

(b) The Authority shall ensure that either the Authority or the City shall own the Parking Facilities for so long as the Bond is outstanding.

(c) The Authority shall maintain the Parking Facilities, or cause the Parking Facilities to be maintained, in good condition subject to ordinary wear and tear and shall insure the Parking Facilities, or cause the Parking Facilities to be insured, in such amounts and with such coverages as are customary for facilities similar to the Parking Facilities.

Section 3.2 Obligations of the City.

(a) In order to secure payment of the Bond, the City does hereby agree to pay to the Authority, subject to annual appropriation, the principal of, prepayment premium, if any, and interest on the Bond, all of which are subject to annual appropriation by the City Council for such purpose, which appropriations the City Council shall have no legal obligation to make.

(b) The City Manager of the City is hereby directed to include in the City Manager's recommended annual operating budget or his recommended capital improvements program budget for the next succeeding fiscal year of the City during the term of the Bond the amount necessary for the Authority to meet its payment obligations under the Bond during the next succeeding Bond Year and will recommend that the Council appropriate such amounts to the Authority for such purpose, which appropriation or appropriations the Council shall have no legal obligation to make.

(c) The City Manager shall provide the City periodic reports on the status of the use and occupancy of the Parking Facilities based upon information provided by the Authority.

(d) The payment obligations of the City hereunder shall not constitute a debt of the City under any Virginia Constitution or statutory provision. The payment of the Bond under this Payment Agreement constitutes a moral not a legal obligation and is subject to the legislative discretion of the Council to annually appropriate funds for such purpose.

ARTICLE IV.
MISCELLANEOUS

Section 4.1 Term of Agreement. The term for this Payment Agreement shall commence on the date of delivery of the Bond and shall terminate on the date of payment in full of the Bond.

Section 4.2 Bank as Third Party Beneficiary. By its purchase of the Bond, the Bank shall become a third party beneficiary of this Payment Agreement and shall be entitled to enforce all of the obligations and rights of the parties hereto to the same extent as if the Bank were one of the contracting parties.

Section 4.3 Defaults. (a) If any party to this Payment Agreement fails to comply with any covenant or obligation set forth herein, the other party to this Payment Agreement may proceed to protect and enforce its rights by an action for specific performance, subject to the limitations set forth in Section 3.2.

(b) Notwithstanding anything herein to the contrary, any failure of the City to comply with any of its obligations in this Payment Agreement (i) shall not be deemed to constitute an event of default under the Bond or the Bond Purchase Agreement and (ii) shall not give rise to any right or remedy other than that described in Section 4.3(a) above.

Section 4.4 No Liability. Notwithstanding anything herein to the contrary, the Authority acknowledges that the City has not incurred nor will incur any liability arising out of the operation and use of the Parking Facilities by the Authority or any other party.

Section 4.5 Amendments. This Payment Agreement may be amended by the parties hereto so long as such amendment is consented to by the Bank, which consent may not be unreasonably withheld.

Section 4.6 Successors. This Payment Agreement shall be binding upon, inure to the benefit of and be enforceable by the parties and their respective successors or assigns.

Section 4.7 Severability. If any provision of this Payment Agreement shall be held to be illegal or invalid by any court of competent jurisdiction, such holding shall not invalidate any other provision hereof and this Payment Agreement shall be construed and enforced as if such illegal provision had not been contained in it.

Section 4.8 Counterparts. This Payment Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

Section 4.9 Notices. Unless otherwise provided in this Payment Agreement, all notices, approvals, consents, requests and other communications under this Payment Agreement shall be in writing and shall be deemed to be given when delivered in person, or when sent by overnight delivery or courier service, or when mailed by registered or certified mail, postage prepaid, addressed (a) if to the Authority, at 2400 Washington Avenue, Newport News, Virginia 23607 Attention: Chairman, with a copy to Secretary/Treasurer, (b) if to the City, at 2400 Washington Avenue, Newport News, Virginia 23607 Attention: City Manager, with a copy to City Attorney or (c) if to the Bank, at 6001 Harbor View Boulevard, Suffolk, Virginia 23435, Attention: President. The Authority, the City and the Bank may, by notice given under this Payment Agreement, designate any additional or different addresses or persons to which subsequent demands, notices, approvals, consents, requests and other communications shall be sent.

Section 4.10 This Payment Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties have caused this Payment Agreement to be entered into as of the date first above written.

CITY OF NEWPORT NEWS, VIRGINIA
2400 Washington Avenue, 10th Floor
Newport News, Virginia 23607

_____
James M. Bourey, City Manager

ATTEST:

_____
Mabel V. Washington Jenkins, City Clerk

APPROVED AS TO FORM:

_____
Collins L. Owens, Jr., City Attorney

INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF NEWPORT NEWS, VIRGINIA
2400 Washington Avenue, 3rd Floor
Newport News, Virginia 23607

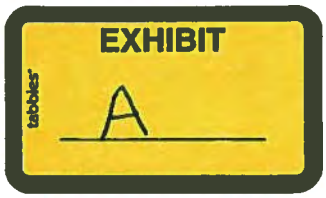
_____
Thomas P. Herbert, Chairman

ATTEST:

_____
Florence G. Kingston, Secretary/Treasurer

APPROVED AS TO FORM:

_____
Raymond H. Suttle, Jr., Attorney for
Industrial Development Authority of
the City of Newport News, Virginia



TERM SHEET
May 16, 2014

TowneBank is pleased to issue this Term Sheet which outlines the terms and conditions of a term loan in the name of the Industrial Development Authority of the City of Newport News, Virginia. Please be advised that this does not constitute a formal commitment to lend, but is subject to final approval by the Bank.

Borrower:	Industrial Development Authority ("IDA") of the City of Newport News, VA ("NN")
Loan Amount:	$12,700,000
Purpose:	Purchase of the 382-space Apprentice School Parking Structure located at 150-33rd Street in Newport News, VA (the "Property").
Pricing:	3.80% fixed rate for 13 years.
Commitment Fee:	.50% of the loan amount - $63,500. Due and payable upon acceptance of our Commitment Letter, and which will be issued upon formal approval by the Bank.
Terms:	Fully amortized on a 13-year basis. Interest to be billed and payable semi-annually starting March 1, 2015. Equal principal payments of $976,923.08 to be billed and payable annually starting September 1, 2015.
Prepayment:	Yield maintenance pre-payment make whole provision to apply during the entire term of the loan. Borrower has option of making a $1.5 million additional principal curtailment without consideration.
Collateral:	Moral Obligation of the City of Newport News. Negative Pledge of Property. Assignment of License Agreements with the three Licensees of the Property.
Deposits:	A deposit relationship of the Borrower to be established with TowneBank.
Financial Statements:	The Borrower will deliver audited financial statements to the Bank on an annual basis, and other such financial information which the Bank may reasonably require.
Documentation:	Documentation typical of this type of loan, including: note, collateral documents, etc. All closing documents are subject to review by the Bank and its counsel. Cost to be paid by the Borrower.
Expiration:	The terms and conditions outlined in this Term Sheet expire July 31, 2014, unless extended in writing by TowneBank prior to that date.
Account Manager:	N. Douglas Burgoyne Executive Vice President 757-249-7665 (office) 757-880-8817 (cell)

H. Appropriations

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

1. Newport News Police Department (NNPD) – Department of State Police: Help Eliminate Auto Theft (H.E.A.T.) Grant – $1,947

2. Newport News Fire Department (NNFD) – Virginia Department of Emergency Management (VDEM): FY 2013 Supplemental Local Emergency Management Performance Grant – $3,000

3. Commonwealth's Attorney's Office (CAO) – Asset Forfeiture Funds: Victim Services Unit (VSU) – $5,000

4. Commonwealth's Attorney's Office (CAO) – Asset Forfeiture Funds: Karpel Case Management System, Hardware and Software Purchase – $62,600

5. Department of Engineering – State Revenue Sharing Program ($100,000) and the FY 2014 Bond Authorization ($100,000): 27th Street and Buxton Avenue Grade Adjustment Project – $200,000

6. Department of Engineering – FY 2014 Bond Authorization: Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project – $1,200,000

H. Appropriations

1. Newport News Police Department (NNPD) – Department of State Police: Help Eliminate Auto Theft (H.E.A.T.) Grant – $1,947

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $1,947 FROM THE VIRGINIA STATE POLICE, HELP ELIMINATE AUTO THEFT (H.E.A.T.) GRANT PROGRAM TO THE NEWPORT NEWS POLICE DEPARTMENT (NNPD).

BACKGROUND:

- The Police Department applied for and received funding for a Help Eliminate Auto Theft (H.E.A.T.) Grant.
- The grant will provide $1,947 for one auto theft investigator to attend a one-week, International Association Auto Theft Investigators Training Seminar in Mobile, Alabama.

FISCAL IMPACT:

- No local match is required.
- The City Manager recommends approval.

Supporting Material

CM Memo re HEAT Program Grant to NNFD

sdm12690 Appropriatin re Help Eliminate Auto Theft (H.E.A.T.) Grant

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Help Eliminate Auto Theft (H.E.A.T.) Grant

The City has received funding from the H.E.A.T. Program to send one investigator to the International Association of Auto Theft Investigators (I.A.A.T.I.) training seminar in Mobile, Alabama.

The H.E.A.T. Program is a statewide cooperative effort of the Department of State Police, the Department of Motor Vehicles, and more than 172 local law enforcement agencies. The goal of the H.E.A.T. Program is to decrease auto theft's adverse impact upon automobile insurance premiums by reducing the number of vehicles stolen each year.

To accomplish the goal, the H.E.A.T. Program supports initiatives to increase auto theft arrests, stolen vehicle recoveries, intelligence gathering, and crime prevention activities. This year, the program has authorized grant funding to pay for one investigator to attend the I.A.A.T.I. seminar to obtain specialized auto theft investigation training. The City was awarded $1,947 to send one of the Police Department's auto theft investigators to the seminar.

No local match is required.

Approval of this resolution is recommended.

James M. Bourey

NAM:LBT:lbt

cc: Alan K. Archer, Assistant City Manager
Richard W. Myers, Chief, Newport News Police Department (NNPD)
Kimberly Powell, Department of Finance
Keith Ferguson, Office of Budget & Evaluation

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sdm12690

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM S-HEAT GRANT-VA STATE POL-14 TO TRAVEL-TRAIN/MEETING EXPENSE.

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

That it hereby appropriates funds from S-HEAT GRANT-VA STATE POL-14 to Travel-Train/Meeting Expense, as follows:

Appropriation From:

S-HEAT GRANT-VA STATE POL-14 2600-000-23-2389-482000-000000-0000- 23N14-23N14	$	1,947.00

Appropriation To:

Travel-Train/Meeting Expense 2600-000-23-2389-555040-000000-0000- 23N14-23N14	$	1,947.00

H. Appropriations

2. Newport News Fire Department (NNFD) - Virginia Department of Emergency Management (VDEM): FY 2013 Supplemental Local Emergency Management Performance Grant $3,000.

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $6,000 FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM), FY 2013 PERFORMANCE GRANT REVENUE ($3,000) AND LOCAL REVENUE ($3,000) TO THE NEWPORT NEWS FIRE DEPARTMENT (NNFD) DIVISION OF EMERGENCY MANAGEMENT.

BACKGROUND:

- The City has received an award of grant funds in the amount of $3,000 from VDEM.
- The grant will provide funding to acquire three (3) EWA Phoenix Kits, accessories, and wristbands to register citizens being sheltered in the event of an emergency.

FISCAL IMPACT:

- A local match of $3,000 is required and will come from the FY 2014 Local Grant Match funds in the City's General Fund.
- The City Manager recommends approval.

Supporting Material

CM Memo re VDEM 2013 SLEMP Grant to NNFD

sdm12645 Appropriation re VDEM 2013 SLEMP Grant

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Supplemental Local Emergency Management Performance Grant

The City has received a grant award in the amount of $3,000 from the Virginia Department of Emergency Management (VDEM) through the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA). The purpose of the grant funding is to support local emergency management programs with an emphasis on enhancing local Emergency shelter capacity and Operations Center (EOC) functionality across the Commonwealth.

This grant award will provide funding to acquire three (3) EWA Phoenix Kits and accessories, and customized wristbands to enhance sheltering operations in the City. The Kits use software and barcode scanners to register large numbers of people being sheltered during an emergency by scanning a person's driver's license and gathering information about them, their family, pets and property and providing them with a unique ID number and an identifying wristband.

This Federal grant requires local matching funds of $3,000 for a total grant award of $6,000. The funding source for the local participation in this grant is the FY 2014 Local Grant Match funds in the General Fund. No other local funding is required for this grant.

Approval of the appropriation resolution is recommended.

James M. Bourey

JMB/daf

cc: Robert B. Alley, III, Chief, Newport News Fire Department (NNFD)

sdm12645

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM F-DHS-SUPP LEMPG-2014 AND L-CNN-LGM-SLEMPG-14 TO MACHINERY & EQUIPMENT.

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

That it hereby appropriates funds from F-DHS-SUPP LEMPG-2014 and L-CNN-LGM-SLEMPG-14 to Machinery & Equipment, as follows:

Appropriation From:

F-DHS-SUPP LEMPG-2014 2610-000-25-2591-483000-000000-0000- 25D24-25D24	$	3,000.00
L-CNN-LGM-SLEMPG-14 2610-000-25-2591-481000-000000-0000- 25D24-25D25	$	3,000.00

Appropriation To:

Machinery & Equipment 2610-000-25-2591-570010-000000-0000- 25D24-25D24	$	6,000.00

H. Appropriations

3. Commonwealth's Attorney's Office (CAO) – Asset Forfeiture Funds: Victim Services Unit – $5,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $5,000 FROM THE COMMONWEALTH'S ATTORNEY'S OFFICE (CAO), ASSET FORFEITURE FUNDS ACCOUNT FOR ITS VICTIM SERVICES UNIT (VSU).

BACKGROUND:

- The Commonwealth's Attorney's Office (CAO), Victim Services Unit (VSU) is in need of promotional items for community outreach events.
- The CAO is requesting this appropriation from its Asset Forfeiture Funds account to purchase the needed items.

FISCAL IMPACT:

- Currently, the Asset Forfeiture Fund balance is approximately $218,939.
- The City Manager recommends approval.

Supporting Material

CM Memo re CAO Victim Svcs Unit Appropriation
sdm12689 Appropriation re Victim Services Unit - Commonwealth's Attorney's Office-Asset Forfeiture

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Asset Forfeiture Fund Appropriation - Commonwealth's Attorney

The Newport News Office of the Commonwealth's Attorney is requesting an appropriation of $5,000 from its Asset Forfeiture Funds account for the Victim Services Unit (VSU). The VSU is in need of funds for promotional items for community outreach items.

Asset forfeiture funds are funds that are transferred to the Commonwealth's Attorney as a result of officers participating in state and federal criminal cases where the defendant's assets are seized.

The current asset forfeiture balance is approximately $218,939.

Approval of this resolution is recommended.

James M. Bourey

JMB/HEG/ea

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sdm12689

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM USE FB-LOCAL RET ASSETS-14 TO PROGRAM MATERIALS.

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

That it hereby appropriates funds from Use FB-Local Ret Assets-14 to Program Materials, as follows:

Appropriation From:

Use FB-Local Ret Assets-14 2631-000-22-0000-451000-000000-0000- 22U14-22U14	$	5,000.00

Appropriation To:

Program Materials 2631-000-22-0000-554010-000000-0000- 22U14-22U14	$	5,000.00

H. Appropriations

4. Commonwealth's Attorney's Office (CAO) – Asset Forfeiture Funds: Karpel Case Management System, Hardware and Software Purchase – $62,600

ACTION:	A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $62,600 FROM THE COMMONWEALTH'S ATTORNEY'S OFFICE (CAO), ASSET FORFEITURE FUNDS ACCOUNT FOR ITS KARPEL CASE MANAGEMENT SYSTEM.
BACKGROUND:	• The CAO has a new Karpel Case Management System and needs to purchase hardware and software to support it.
FISCAL IMPACT:	• The CAO's Asset Forfeiture Fund balance is approximately $218,939. • The City Manager recommends approval.

Supporting Material

CM Memo re CAO Karpel Case Mgmnt System

Appropriation re Karpel Case Management System - Comm Attorney Asset Forfeiture

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Asset Forfeiture Fund Appropriation - Commonwealth's Attorney

The Newport News Office of the Commonwealth's Attorney is requesting an appropriation of $62,600 from its Asset Forfeiture Funds. The office is in need of funds to purchase hardware and software to support the new Karpel Software Case Management System.

Asset forfeiture funds are funds that are transferred to the Commonwealth's Attorney as a result of officers participating in state and federal criminal cases where the defendant's assets are seized.

The current asset forfeiture balance is approximately $218,939.

Approval of this resolution is recommended.

James M. Bourey

JB/HEG/ea

G:\JIM BOUREY\Correspondence\2014\June\Memo to HCC re CommonwealthAtty Asset Forfeiture Approp for Karpel System 6 18 14.docx

sdm12688

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM USE OF FUND BALANCE - STATE FY14 TO MACHINERY & EQUIPMENT.

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

That it hereby appropriates funds from Use of Fund Balance - State FY14 to Machinery & Equipment, as follows:

Appropriation From:

Use of Fund Balance - State FY14 2631-000-22-0000-452000-000000-0000- 22T14-22T14	$	62,600.00

Appropriation To:

Machinery & Equipment 2631-000-22-0000-570010-000000-0000- 22T14-22T14	$	62,600.00

H. Appropriations

5. Department of Engineering – State Revenue Sharing Program ($100,000) and the FY 2014 Bond Authorization ($100,000): 27th Street and Buxton Avenue Grade Adjustment Project – $200,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $200,000 FROM THE STATE REVENUE SHARING PROGRAM ($100,000) AND THE FY 2014 BOND AUTHORIZATION, STORMWATER DRAINAGE CATEGORY ($100,000) FOR THE 27TH STREET AND BUXTON AVENUE GRADE ADJUSTMENT PROJECT.

BACKGROUND:

- The purpose of the project is to raise the elevation of the roadway intersection of 27th Street and Buxton Avenue to reduce flooding.
- During severe weather events, Newport News citizens in the southeast area are likely to encounter a road closure at this intersection.

FISCAL IMPACT:

- City Council has previously appropriated $700,000 for this project.
- Based on an increase in the engineer's estimate for upgrading traffice signalization, this additional funding is required.
- The City Manager recommends approval.

Supporting Material

CM Memo re 27th St & Buxton Ave Grade Project
Attachment Location Map 27 and Buxton
sdm12682 Appropriation re 27th St and Buxton Ave Grade Adjustment Project

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: 27th Street and Buxton Avenue Grade Adjustment Project

City Council is requested to approve a resolution appropriating an additional $200,000 for the construction of the 27th Street and Buxton Avenue Grade Adjustment Project.

The purpose of the project is to raise the elevation of the roadway intersection of 27th Street and Buxton Avenue to reduce flooding.

A portion of 27th Street just east of the Buxton Avenue intersection crosses into the City of Hampton for approximately 300 feet and back into the City of Newport News. No Hampton businesses or residents are located along this section of roadway.

During severe weather events, Newport News citizens in the southeast area are likely to encounter a road closure at this intersection when attempting to travel to the I-664 interchange nearby. These motorists are forced to turn around prior to the intersection, detour to the 25th Street crossing of Salter's Creek and proceed to Pine Avenue in order to access I-664. Motorists traveling from the Hampton direction to the I-664 interchange can easily avoid this intersection by using Pine Avenue or the intersection ramp to arrive at I-664 without having to travel through the lowest area just past the intersection.

The City of Hampton has been contacted and is not opposed to the work, but is not participating in the cost of the project as it offers little benefit to residents of Hampton. The project is not a priority for Hampton in its capital improvement/transportation program and is not beneficial enough to the residents of Hampton to justify cost participation.

The City of Hampton staff has expressed a desire for the City of Newport News to assume ownership of the 300-foot roadway section via a boundary line adjustment. Newport News staff is reviewing the entire Hampton boundary for discussion of adjustments.

In October of 2012, City Council appropriated $700,000 for this project, $350,000 State Revenue Sharing Funds and $350,000 required local match. Based on an increase in the Engineer's estimate for upgrading traffic signalization, additional funding is required.

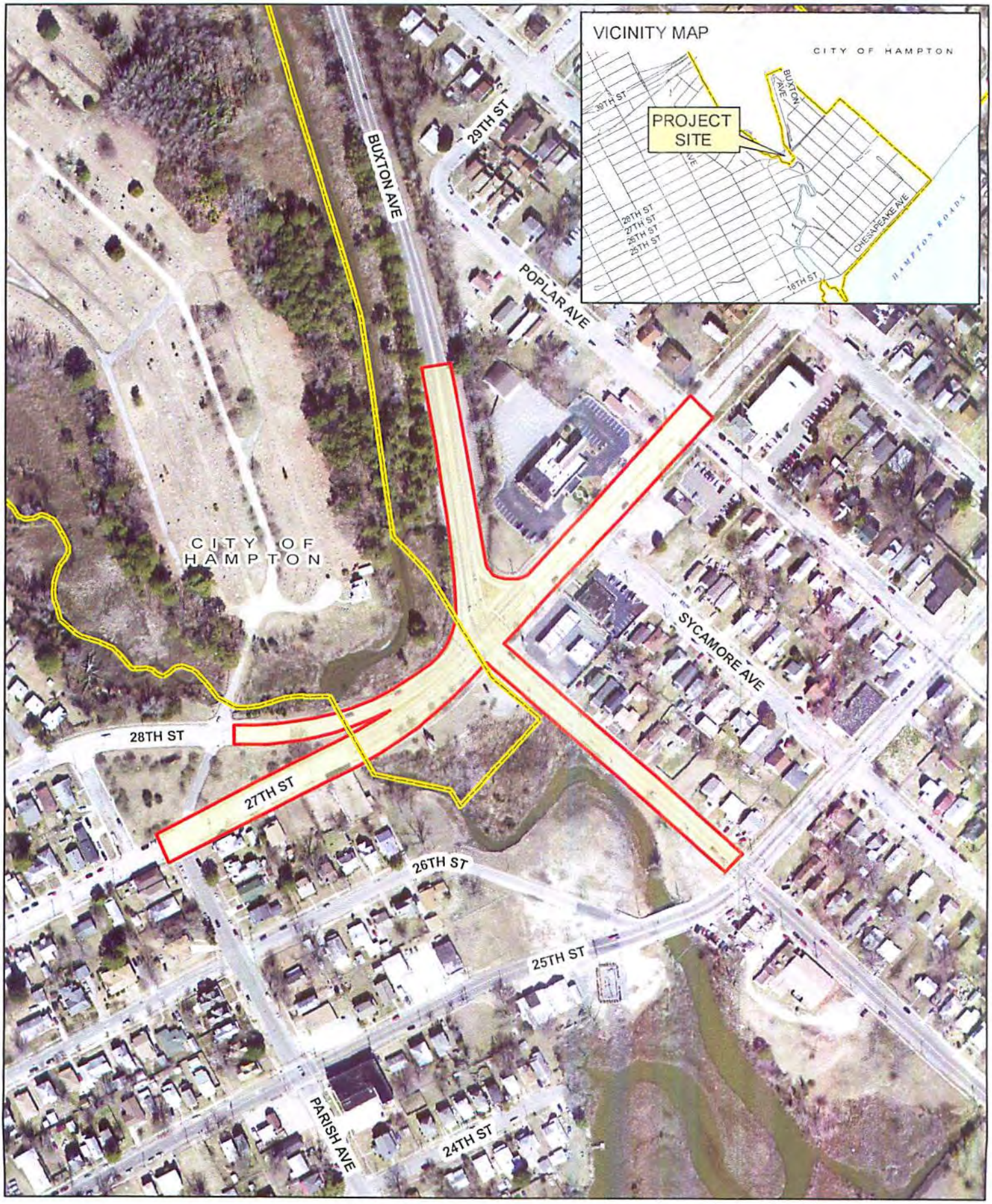
The funding sources will be $100,000 from the State Revenue Sharing Program and $100,000 from the FY 2014 Bond Authorization, Stormwater Drainage Category.

I recommend City Council approve the resolution.

James M. Bourey

JMB/BMM/plw

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

27TH STREET AT BUXTON AVENUE GRADE ADJUSTMENT

sdm12682

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND ISSUED AND STATE REVENUE TO 27TH STREET AND BUXTON AVENUE GRADE ADJUSTMENT PROJECT.

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

That it hereby appropriates funds from Bonds Authorized and Issued and State Revenue to 27th Street and Buxton Avenue Grade Adjustment Project, as follows:

Appropriation From:

Bonds Authorized and Issued 4104-250-70-700N-579420-000000-2014- 00000-N5011	$	100,000.00
State Revenue 4300-000-00-0000-482010-000000-2012- N5011-N5011	$	100,000.00

Appropriation To:

27th Street and Buxton Avenue Grade Adjustment Project 4104-250-70-700N-579420-000000-2014- 00000-N5011	$	100,000.00
4300-250-70-700N-579420-000000-2012- N5011-N5011	$	100,000.00

H. Appropriations

6. Department of Engineering – FY 2014 Bond Authorization: Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project – $1,200,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING $1.2 MILLION FROM THE FY 2014 BOND AUTHORIZATION, STREETS AND BRIDGES CATEGORY FOR ROUTE 105 (FT. EUSTIS BOULEVARD) OVER CSX BRIDGE REPLACEMENT PROJECT.

BACKGROUND:

- The purpose of this project is to replace the existing Route 105 twin bridges at Ft. Eustis over CSX Railroad.
- Utility conflicts, re-design of a bridge abutment, and a design flaw resulting in a re-design related to the bridge load rating have caused significant construction delays and increased construction costs.
- A claim has been submitted to the project design firm in an effort to recoup a portion of these costs and an additional claim will be submitted once costs are finalized.
- The City will also apply for revenue sharing (50% contribution) to help recover any unrecovered amounts.

FISCAL IMPACT:

- To date, a total of $6,244,310 has been appropriated for the construction of this project.
- Of this amount, $2,709,655 represents State Revenue Sharing funds applied to the project and $3,534,655 represents the City's contribution.
- The appropriation of an additional $1.2 million is necessary to complete construction of the project.
- The City Manager recommends approval.

Supporting Material

CM Memo re Route 105 over CSX Railroad Bridge

Attachment Location Map Route 105

sdm12683 Appropriation re Route 105 over CSX Railroad Bridge Replacement

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 18, 2014

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project

City Council is requested to approve a resolution appropriating $1.2 million of additional funding for the construction of the Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project.

The purpose of this project is to replace the existing Route 105 twin bridges at Ft. Eustis over CSX Railroad. During the demolition portion of the first phase of construction, utility conflicts were discovered requiring utility relocations and a re-design of a bridge abutment. This re-design resulted in a change of construction methods. These issues caused significant delays and associated costs that were a result of construction documents prepared by the design firm. A claim of approximately $333,000 has been submitted to the project design firm.

In March 2014, the project design firm advised Engineering staff of a design flaw related to the bridge load rating. This flaw again resulted in a design change and significant construction delays. Once the total cost is finalized the additional claim will be submitted to the project design firm. To the extent that we can recover these claims, we will reimburse the costs to our Streets and Bridges bond fund. We will also apply for revenue sharing (50% contribution) to help recover any unrecovered amounts.

The project is approximately 50% complete and is currently estimated to be finished in March 2015.

To date, a total of $6,244,310 has been appropriated for the construction of this project. Of this amount, $2,709,655 represents State Revenue Sharing funds applied to the project and $3,534,655 represents the City's contribution.

The additional funds necessary to complete construction of the project will cover construction administration services, CSX flagging services, construction change order related to the design change, construction delay claim and contingency. Funding of $1.2 million is available from the FY 2014 Bond Authorization, Streets and Bridges Category due to the temporary delay in another revenue sharing bridge project, the Huntington Bridge. To the extent we are successful in obtaining our claims to the design firm and construction company, those funds will go back into the Capital Improvements Plan (CIP) funds.

I recommend City Council approve the resolution.

James M. Bourey

JMB/TCC/plw

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA - DEPARTMENT OF ENGINEERING

ROUTE 105 FT. EUSTIS BOULEVARD BRIDGE REPLACEMENT

sdm12683

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND ISSUED TO ROUTE 105 (FT. EUSTIS BOULEVARD) OVER CSX RAILROAD BRIDGE REPLACEMENT PROJECT.

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

That it hereby appropriates funds from Bonds Authorized and Issued to Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project, as follows:

Appropriation From:

Bonds Authorized and Issued 4104-250-70-700J-579000-000000-2014- 00000-J0000	$	1,200,000.00

Appropriation To:

Route 105 (Ft. Eustis Boulevard) over CSX Railroad Bridge Replacement Project 4104-250-70-700J-579420-000000-2014- 00000-J3023	$	1,200,000.00

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

J. New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Scott
Vick
Whitaker
Woodbury
Bateman
Coleman
Price

K. Adjourn

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