

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
MAY 22, 2018
7:00 P.M.**

PRESENT: Saundra N. Cherry, D. Min.; Marcellus L. Harris III; McKinley L. Price, DDS;
 Tina L. Vick; Dr. Patricia P. Woodbury; and Herbert H. Bateman, Jr.-----6

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

A. Call to Order

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

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

B. Invocation

The invocation was rendered by Reverend Emerson Boyer, Ivy Baptist Church.

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

The Pledge of Allegiance to the Flag of the United States of America was led by Councilwoman Saundra N. Cherry, D. Min.

D. Presentations

1. Presentation: Keep Virginia Beautiful – Get Caught in a Beautiful Act Award
(Building Community Partnership with the USS George Washington)

Mayor Price explained that the mission of Keep Virginia Beautiful was to engage and unite Virginians to improve our natural and scenic environment through five impact areas: litter prevention, recycling, waste reduction, beautification, and education.

Mayor Price welcomed Mr. Mike Baum, Executive Director of Keep Virginia Beautiful, who would present an Award to the City of Newport News. He indicated that this award would not be possible without the City's partners – the crew of the USS George Washington. Chaplain Lee Hatton and Mr. Baum were invited to the dais.

Mayor Price advised that Chaplain Hatton was one of the organizers, and was critical to the ongoing collaboration efforts. The crew of the USS George Washington gave generously of their time, and with volunteer assistance, more than 50 sailors donated their morning to picking up litter along the waterfront, and beautified Pinkett's Beach at King-Lincoln Park.

D. Presentations Continued

1. Presentation: Keep Virginia Beautiful – Get Caught in a Beautiful Act Award (Building Community Partnership with the USS George Washington) Continued

Mr. Baum, a native of Newport News, was the leader of Keep Virginia Beautiful. He presented an award to Chaplain Hatton and the City of Newport News.

2. Proclamation: Kindness United – A Community of Kindness

Mr. Steven S. Kast, President and CEO, United Way of the Virginia Peninsula, accepted the proclamation.

Mayor Price stated that Greek Playwright Sophocles said that kindness gave birth to kindness. Abraham Lincoln said that kindness was the only service that would stand the storm of life and hardship, and not wash out. And Albert Schweitzer said that kindness caused the evaporation of misunderstanding, mistrust, and hostility.

Mayor Price advised that the United Way of the Virginia Peninsula, a non-profit organization serving to improve the quality of life for every person on the Greater Peninsula by helping them live their best possible lives, build on the fundamentals of kindness to create an overall prosperous community. He further advised that the United Way, along with local leaders and the corporate community of the Region, joined together to help spread kindness, and encourage acts of kindness locally and beyond; and urged all citizens to create their own acts of kindness and pay it forward.

On behalf of his colleagues on City Council, Mayor Price proclaimed, May 22, 2018, as Kindness United, and that Newport News was a community of kindness, from this day forward. Mayor Price asked that everyone be treated with kindness from this day forward; extend to them all of the care, kindness, and understanding possible, with no thought of any reward. Mayor Price further asked schools, students, workplaces, religious institutions, community organizations, government, and citizens, to work together to celebrate kindness, and to share kindness with one another to nourish and strengthen the community. He concluded with the statement, wherever there was a human being, there was an opportunity to be kind.

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

E. Public Hearings

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue, Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2018-0002 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A PAWN SHOP IN A C1 RETAIL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the operation of a pawn shop on property at 10117 Jefferson Avenue, zoned C1 Retail Commercial. Elite Pawn Shop sought to relocate from 10011 Jefferson Avenue and purchase the building. The current location, once vacated, opened the potential for another pawn shop due to the grandfathered status of the location. The Newport News Police Department (NNPD) objected to the pawn shop, citing a detrimental impact upon public safety and quality of life for the neighborhood and residents of the area. The request was not consistent with the Framework for the Future 2030 Comprehensive Plan neighborhood commercial designation and vision for safe neighborhoods. On May 2, 2018, the Planning Commission voted 4:3 to recommend denial. The City Manager recommended denial.

Mayor Price advised of a letter which had been received from Mr. Johnny Cope, Attorney representing Mr. Phillip A. Epstein in connection with his application for a Conditional Use Permit, CU-2018-0002 (a copy is attached and made a part of these minutes).

City Attorney Owens advised that there were a number of issues with the letter. He stated that the letter could not be enforceable to prohibit a pawn shop from doing business in the existing location at 10011 Jefferson Avenue as constituted. The letter only stated the existing landlord would not lease the property for that purpose. It did not say he would not operate a pawn shop himself or have someone else in the building. There was no consideration on the part of the existing tenant, so there was no mutual consideration, and it was not a contract. City Attorney Owens added that the letter was from a corporation, but was signed by an individual on behalf of the landlord, not in a corporate entity status as President or Chairman of the corporation.

Mr. Johnny Cope, Attorney for Mr. Philip Epstein, 11836 Canon Boulevard, Newport News, advised that he had represented Elite Pawn Shop, LLC., for approximately 40 years. Mr. Cope recalled the Planning Commission recommended denial 4:3. Their primary objection was that another pawn shop would move into the current location for Elite Pawn Shop, if allowed to move four doors down. Mr. Epstein met with the owner of the property, Mr. Jau Wang, who agreed that he would not rent or sell location to another pawn shop, thereby eliminating the Planning Commission's concerns. Per City Attorney Owens, the document was not in a recordable form. Mr. Cope agreed with City Attorney Owens that the document was not enforceable in its present form, but it could be if properly documented. Mr. Cope was prepared to create such a document, and Mr. Wang was prepared to sign a recordable document that would

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue, Zoned C1 Retail Commercial Continued

prohibit another pawn shop from setting up in the current location. Mr. Cope advised that Mr. Epstein and his family had been in the pawn shop business for approximately 70 years, and had been in the City of Newport News for 50 years. Mr. Epstein had rented in the current location for 13 years, and wanted to purchase his own location four doors away. Mr. Cope was appreciative of the Planning Commission and City Council's concerns, but had no problem if passed, and subject to a legally enforceable and recordable document that would prohibit another pawn shop from going into the current location. Mr. Cope advised that the Epstein family operated a very reputable business. They did not deal in firearms, vehicles, or payday loans. There were three family residences behind the current shop and there would be two residences if allowed to move to a new location. Mr. Cope advised that there had been no complaints from any families over the past 13 years.

Councilman Bateman inquired, regarding the current location, whether the business was in a strip center. Mr. Cope responded yes. Councilman Bateman inquired whether the stalls in the strip center owned individually or whether the strip center owned by one individual. Mr. Cope replied it was owned by one individual. Councilman Bateman questioned, if the center was to be sold, the owner would have to subdivide the center into separate stalls in order to sell them off. Mr. Cope responded yes, but that would not be practical.

Mr. Philip Epstein, 10011 Jefferson Avenue, Newport News, was available to answer any questions.

Mr. Mitch Kirsner, 456 Harpersville Road, Newport News, advised that he had been at the property at 10117 Jefferson Avenue for the past 33 years, known as Fantasy, but wanted to sell his business. He advised this was a depressed area, with numerous empty buildings in the vicinity. His business plan did not appear to work. There was an empty shopping center two doors away and car dealerships that changed hands frequently. He needed to sell his business in order to retire. His plans to retire had been impacted for three months due to the public hearings, which had been delayed. Mr. Kirsner indicated that he had not been able to sell his business in a timely manner. He advised that he was born and raised in the area and had a great deal of history, with his family being in business for over 100 years. Mr. Kirsner stated there had not been any issues with the Epsteins. The detective of the Newport News Police Department confirmed that there had been no issues with the Epsteins, but had issues with other pawn shops in the area. Mr. Epstein had run a reputable business and deserved to be able to expand his business. Mr. Kirsner indicated that the City would benefit as a result. He stated that Mr. Epstein would have more problems with the residents than the residents would have with him. Mr. Kirsner had personally experienced problems with residents dumping trash behind his building, but they had never had issues with him. He encouraged City Council to consider Mr. Epstein's application.

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue, Zoned C1 Retail Commercial Continued

Vice Mayor Vick moved closure of the public hearing; seconded by Councilman Bateman.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

Councilman Bateman moved adoption of the above ordinance; seconded by Councilwoman Cherry. City Attorney Owens responded that this was an application for a Conditional Use Permit, and a condition could be added, on top of the conditions in the ordinance before City Council, to require that before a use could be made at the new location, that a deed restriction be placed on the property at the old location. City Attorney Owens offered to suggest such language.

Councilman Harris questioned, if City Council were to wait for a legal, enforceable document, would the matter have to be on hold until the June 12, 2018 Regular Meeting of City Council.

Vice Mayor Vick inquired whether this allowed businesses to lease property anywhere. City Attorney Owens indicated if no pawn shop went into the old location for two years, the grandfathering would cease, but they had up to two years to continue that use.

Councilwoman Woodbury questioned the possibility of delaying any action on this matter until a legal enforceable document was in effect. City Attorney Owens indicated the owner of the existing property would not want to put that on the existing property unless and until he knew that this application would be approved.

Councilman Bateman indicated that it was offensive to subvert some transaction where there was not a lot of public outcry. He advised that Mr. Philip Epstein was well known in the business, refrained from doing certain things that would be problematic, such as firearms, and payday loans. He stated, the mere fact that the owner of the property would consider signing a document advising that he would not lease the property to another pawn shop, showed how much he respected Mr. Epstein. Councilman Bateman felt that anyone wanting to rent the property and compete against Mr. Epstein, should be allowed to do so. The City of Newport News needed shopping centers that were leased out, and not to invoke some type of restriction and not allow Mr. Epstein to purchase his own building. City Council should encourage rather than discourage this action.

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue, Zoned C1 Retail Commercial Continued

Councilwoman Cherry inquired whether Mr. Epstein had spoken with the residents adjacent to the building he was interested in purchasing. Mr. Epstein replied no, he had not.

Councilman Bateman recalled reading that citizens may have problems with individuals loitering around pawn shops. He inquired whether Mr. Epstein had cameras outside of his facility, and by virtue of being a good businessman, would ask the individuals to leave. He inquired whether the neighbors behind Mr. Epstein's current location had complained about individuals loitering. Mr. Epstein responded no, there had been no complaints. Councilman Bateman felt there would be no problem. As he read the minutes, the City had gone a long way towards talking about the horrific instance where there something bad happened around a pawn shop, and it did not occur that often in Newport News. Oftentimes, pawnshops were helpful to law enforcement because they require certain documents about their products/property to ensure the property was not stolen. Councilman Bateman felt Mr. Epstein deserved the benefit of the doubt.

Councilwoman Woodbury inquired whether City Council could change the wording or whether it was already in place that another pawn shop could go into the current location. City Attorney Owens explained, if the Conditional Use Permit were approved, with the conditions as drafted, it would allow Mr. Epstein to open a pawn shop at 10117 Jefferson Avenue, and the old address at 10011 Jefferson Avenue would be grandfathered for at least two years. If a pawn shop were to go into that location within the next two years, it would be allowed as a matter of right, with no conditions being imposed on it by City Council. Councilwoman Woodbury questioned whether or not that could be changed. City Attorney Owens responded no, that was a matter of State law, that it would be grandfathered as a non-conforming use, which was the concern of the Newport News Police Department.

Vice Mayor Vick advised, it did not have to be a pawn shop, and questioned whether other businesses were allowed to rent the property. City Attorney responded yes, the property was zoned commercial, and any retail business could go onto the property. Currently, you could only open a pawn shop with a Conditional Use Permit, and City Council could impose conditions on the use; but on the grandfathered site, anyone would be allowed to go in.

Councilwoman Cherry questioned whether additional conditions could be added. City Attorney Owens responded yes. He indicated that City Council imposed conditions in a Conditional Use Permit, unlike a conditional zoning that had to be proffered voluntarily by the applicant. The applicant indicated they had no objection to a condition for a deed restriction on the old site to keep it from being used as a pawn shop.

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue, Zoned C1 Retail Commercial Continued

Councilman Bateman questioned whether the City Manager would be more amenable to this with a proposal with a recorded document being filed which prohibited a pawn shop from entering the old location. City Manager Rohlf responded no, and staff's recommendation remained to deny the application based on the information. Councilman Bateman indicated this was not a friendly atmosphere to deny the application.

Vice Mayor Vick agreed with Councilman Bateman.

Councilwoman Woodbury recalled that the Police made a lengthy and in-depth presentation about this issue. She felt City Council should respect the opinion of the police department.

Councilman Bateman recalled the officer stating that he had no personal character issues with Mr. Epstein, nor had anyone in Newport News ever had character issues with Mr. Epstein. Councilwoman Woodbury added that the issue was not about Mr. Epstein, and she had nothing against Mr. Epstein. Councilman Bateman thought Councilwoman Woodbury alleged that it was compelling that the police report had found instances where Mr. Epstein's shop had been in all edged violation.

Councilman Harris indicated that report that he was privy to was that other pawn shops, not Mr. Epstein's pawn shop, which was the issue at hand, that someone, not as reputable as Mr. Epstein could open a pawn shop. He stated there were situations of concern that occurred in some, not all, pawn shops. There was nothing in the report against Mr. Epstein, but against the non-reputable pawn shops that opened in the City. He questioned the legality of the document signed by Mr. Wang. Councilwoman Woodbury concurred, which was why she wanted to delay the matter.

Vice Mayor Vick stated, a pawn shop could conceivably go into the site, but there was not a pawn shop waiting to open up. She advised the space was available for lease to anyone, which is why she disagreed and felt it was unfair to focus solely on a pawn shop when there were other businesses that could lease the space.

Councilman Bateman questioned whether the pawn shop in Hilton Village dealt in firearms. Mr. Epstein advised they used to deal with firearms, but no longer. Councilman Bateman questioned, conceivably, if someone wanted to open a pawn shop in the old space at 10011 Jefferson Avenue, they would compete against Mr. Epstein and the pawn shop on Warwick Boulevard, and would have to build-out the space, negotiate a lease, and compete head-to-head with Hilton Pawn Shop and Mr. Epstein, and he did not think it was a good business plan. He stated that the Newport News City Council needed to be more friendly to businesses, pawn shops and otherwise.

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue Continued

Councilwoman Cherry took issue with Councilman Bateman's comments about the Council needing to be friendlier. She felt they were friendly. She advised that she supported businesses in the City of Newport News, whether small or large.

Mayor Price advised there was a motion on the floor, which he wanted to clarify. Councilman Bateman advised that his motion was to approve the acceptance of Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop located at 10117 Jefferson Avenue.

Mayor Price understood the motion to accept the denial of Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop located at 10117 Jefferson Avenue. He asked Councilman Bateman to repeat his motion.

Councilman Bateman moved to allow Mr. Epstein to purchase the building and rezone it granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop located at 10117 Jefferson Avenue; seconded by Vice Mayor Vick.

City Attorney Owens explained that motion would include conditions in the City Council package, with nothing in addition. Mayor Price stated, with no restrictions on the property.

Vote on Roll Call:

Ayes: Vick, Bateman

Nays: Cherry, Harris, Price, Woodbury

The motion failed.

Councilman Bateman offered a substitute motion. He moved to allow Mr. Epstein to open the pawn shop, with an additional condition that the owner of the other property execute a document for recordation that would bind them into not leasing the property, formally occupied by Elite Pawn Shop, LLC, not to exist as a pawn shop for two years, and that it be legally binding and recorded.

City Attorney Owens offered substitute language: He suggested, if the additional condition was applied, that it read, "the applicant shall have a deed restriction granted to the City of Newport News, Virginia, prohibiting the use of the property at 10011 Jefferson Avenue from being used as a pawn shop for at least two years after the existing use on the

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue Continued

property ceases. Such deed restriction shall be in a form and substance satisfactory to the City Attorney.” Councilman Bateman concurred with the language; seconded by Councilman Harris.

Councilman Herbert H. Bateman, Jr., a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for discussion at the Public Hearing on May 22, 2018, that (i) the City Manager recommended to the Newport News City Council adoption of a resolution approving Conditional Use Permit No. CU-2018-0002, to Mitchell Kirsner and Elite Pawn Shop, LLC., for the Operation of a Pawn Shop Located at 10117 Jefferson Avenue which did business with TowneBank (the transaction); (ii) that TowneBank was a group of three or more persons, the members of which were indirectly affected by the transaction in question; (iii) that he was employed as an Executive Vice President of TowneBank but did not receive any direct compensation as a result from the business; (iv) although Elite Pawn Shop, LLC., he was a client of the bank, he did not personally represent or provide service to them; and (v) that he was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – May 22, 2018; and is attached and made a part of these minutes).

Vote on Roll Call:

Ayes: Cherry, Harris, Vick, Bateman
Nays: Price, Woodbury

2. Ordinance Granting Conditional Use Permit No. CU-2018-0004, to Christopher Crossing Apartments, LLC., for the Installation of an Electronic Display Sign in conjunction with Multiple Family Facilities Located at 11054 Warwick Boulevard, Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2018-0004 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE INSTALLATION OF AN ELECTRONIC DISPLAY SIGN IN CONJUNCTION WITH MULTIPLE-FAMILY FACILITIES. This ordinance granted Conditional Use Permit No. CU-2018-0004, to Christopher Crossing Apartments, LLC., for the installation of an electronic display sign in conjunction with multiple family facilities on property located at 11054 Warwick Boulevard, zoned C1 Retail Commercial. The proposed sign meets all of the regulatory requirements cited in the sign ordinance for electronic display signs. It was compatible with surrounding uses and consistent with the Framework for the Future 2030 Comprehensive Plan land use map. On May 2, 2018, the Planning Commission voted unanimously 6:0 to recommend approval. The City Manager recommended approval

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-2018-0004, to Christopher Crossing Apartments, LLC., for the Installation of an Electronic Display Sign in conjunction with Multiple Family Facilities Located at 11054 Warwick Boulevard, Zoned C1 Retail Commercial Continued

(No registered speakers)

Councilwoman Woodbury moved closure of the public hearing; seconded by Councilman Harris.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

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

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

3. Ordinance Authorizing Zoning Text Amendment ZT-2018-0002, to the City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, Definition of Certain Words and Terms; to Revise the Definition for Tattoo Establishments and Add Definitions for Tattooing and Permanent Cosmetic Tattooing

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY AMENDING THE DEFINITION OF TATTOO ESTABLISHMENT AND ADDING THE DEFINITIONS OF TATTOOING AND TATTOOING, PERMANENT COSMETIC. This ordinance amended the City Code, Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, Definition of Certain Words and Terms; to Revise the Definition for Tattoo Establishments and Add Definitions for Tattooing and Permanent Cosmetic Tattooing. The amendment allowed permanent cosmetic tattooing as an accessory service in barber/beauty shops, medical offices or educational institutions. On May 2, 2018, the Planning Commission voted unanimously 6:0 to recommend adoption of the amendment. The City Manager recommended approval.

(No registered speakers)

Vice Mayor Vick moved closure of the public hearing; seconded by Councilman Harris.

E. Public Hearings Continued

3. Ordinance Authorizing Zoning Text Amendment ZT-2018-0002, to the City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, Definition of Certain Words and Terms; to Revise the Definition for Tattoo Establishments and Add Definitions for Tattooing and Permanent Cosmetic Tattooing Continued

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

Councilman Harris moved adoption of the above ordinance; seconded by Vice Mayor Vick.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury

Nays: Bateman

4. Ordinance Authorizing Zoning Text Amendment ZT-2018-0003, to the City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article XXXI., Overlay Zoning Regulations; Division 4., Special Historic Zoning Regulations for Hilton Village; Section 45-3130, Permitted Uses, (2) C1 Retail Commercial District Modifications

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXI., OVERLAY ZONING DISTRICTS AND REGULATIONS, DIVISION 4., SPECIAL HISTORIC ZONING REGULATIONS FOR HILTON VILLAGE, SECTION 45-3130, PERMITTED USES. This ordinance amended the City Code, Chapter 45, Zoning Ordinance; Article XXXI., Overlay Zoning Districts and Regulations; Division 4., Special Historic Zoning Regulations for Hilton Village; Section 45-3130, Permitted Uses, (2) C1 Retail Commercial District Modifications; to allow a dwelling unit adjacent to a commercial unit. Residential uses were permitted in the Hilton Village Commercial District above commercial facilities and adjacent to other residential uses. The amendment allowed a duplex to contain a residential dwelling and a commercial use. On May 2, 2018, the Planning Commission voted unanimously 6:0 to recommend adoption of the amendment. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

E. Public Hearings Continued

5. Ordinance Amending City Code, Chapter 40, Taxation; Article I., General Provisions and Exemptions; Division 3., Property Exempted by Designation; Section 40-8.05, Property of Newport News Green Foundation, Inc.; to Add Property Located at 5101 Huntington Avenue

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., GENERAL PROVISIONS AND EXEMPTIONS, DIVISION 3., PROPERTY EXEMPTED BY DESIGNATION, SECTION 40-8.05, PROPERTY OF NEWPORT NEWS GREEN FOUNDATION, INC. This ordinance amended the City Code, Chapter 40, Taxation; Article I., General Provisions and Exemptions; Division 3., Property Exempted by Designation; Section 40-8.05, Property of Newport News Green Foundation, Inc., to Add Property Located at 5101 Huntington Avenue. The Newport News Green Foundation, Inc., (NNGF) was a charitable, tax exempt organization under Section 501(c)(3) of the Internal Revenue Code. NNGF's purpose was to promote the creation and preservation of green space by acquiring property, advocating for, and assisting others to make the City a more visually attractive place. NNFG's most recent acquisition of property located at 5101 Huntington Avenue, continued its mission in enhancing the quality of life by preserving, transforming, and promoting green spaces throughout the City. The City Manager recommended approval.

(No registered speakers)

Vice Mayor Vick moved closure of the public hearing; seconded by Councilman Harris.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

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

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

F. Consent Agenda

Vice Mayor Vick moved adoption of the Consent Agenda, Items 1 and 2, as shown below; seconded by Councilman Harris.

1. Minutes of the Work Session of May 8, 2018

(No registered speakers)

F. Consent Agenda Continued

1. Minutes of the Work Session of May 8, 2018 Continued

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

2. Minutes of the Regular Meeting of May 8, 2018

(No registered speakers)

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

G. Other City Council Actions

1. Resolution Approving the Consolidated Plan for Housing and Community Development Annual Action Plan for Fiscal Year 2018-2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN FOR THE CITY OF NEWPORT NEWS INCLUDING THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS AND CERTIFICATIONS FOR FISCAL YEAR 2018-2019 AND AUTHORIZING SUBMISSION OF THIS PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. This resolution approved the Consolidated Plan for Housing and Community Development Annual Action Plan for the City of Newport News, including the proposed use of Community Development Block Grant (CDBG) and HOME Investment Partnership Funds (HOME) for Fiscal Year 2018-2019, and authorized submission of the Plan to the U. S. Department of Housing and Urban Development (HUD). The Annual Action Plan identified the City's needs for housing and community development, the resources available to meet the needs and the priorities for directing those resources, and required the approval of City Council. This document was required by HUD, must be submitted to, and approved by HUD, for the City to receive its allocation of CDBG and HOME funds each year. The Annual Action Plan included the proposed use of funds for upcoming FY 2018-2019, and included HUD entitlement funding and program income for both CDBG and HOME in an aggregate amount of \$2,567,847.00. The City Manager recommended approval.

Ms. Sandra Powell, Director of Community Development, Newport News Redevelopment and Housing Authority, was available to answer questions.

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

G. Other City Council Actions Continued

1. Resolution Approving the Consolidated Plan for Housing and Community Development Annual Action Plan for Fiscal Year 2018-2019 Continued

Vice Mayor Vick expressed appreciation to the Newport News Redevelopment and Housing Authority and all of its partners for their hard work on the Consolidated Plan for Housing and Community Development Annual Action Plan for Fiscal Year 2018-2019. She was aware of the research and amount of work that went into this document.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

2. Ordinance Amending City Code, Chapter 16, Fire Prevention and Protection; and Chapter 42, Water Supply; to Address Fee Adjustments Related to the Department of Waterworks New Monthly Billing Process, Effective July 1, 2018

1. Fire Prevention and Protection

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, FIRE PREVENTION AND PROTECTION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 16-6, FIRE PROTECTION SERVICE FEE. This ordinance amended the City Code, Chapter 16, Fire Prevention and Protection; Article I., In General; Section 16-1, Fire Department Generally. This ordinance addressed fee adjustments as a result of the Waterworks Department moving to monthly billing for its customers, effective July 1, 2018. Fire protection service fees imposed on all property located within the City of Newport News, would be adjusted based on the size of each water meter serving the property as follows:

The monthly service fee for a 5/8 inch meter size would equal \$1.35

The monthly service fee for a 3/4 inch meter size would equal \$1.35

The monthly service fee for a 1 inch meter size would equal \$2.05

The monthly service fee for a 1 1/2 inch meter size would equal \$2.70

The monthly service fee for a 2 inch meter size would equal \$4.05

The monthly service fee for a 3 inch meter size would equal \$5.40

The monthly service fee for a 4 inch meter size would equal \$5.40

G. Other City Council Actions Continued

2. Ordinance Amending City Code, Chapter 16, Fire Prevention and Protection; and Chapter 42, Water Supply; to Address Fee Adjustments Related to the Department of Waterworks New Monthly Billing Process, Effective July 1, 2018 Continued

1. Fire Prevention and Protection Continued

The monthly service fee for a 6 inch meter size would equal \$6.80

The monthly service fee for an 8 inch meter size would equal \$6.80

The monthly service fee for a 10 inch meter size would equal \$6.80

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

(No registered speakers)

Vice Mayor Vick moved adoption of the above ordinance; seconded by Councilman Harris.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

2. Water Supply

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 42, WATER SUPPLY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE III., WATER RATES AND FEES, SECTION 42-33, RATES AND FEES. This ordinance amended the City Code, Chapter 42, Water Supply, of the Code of the City of Newport News; Article III., Water Rates and Fees; Section 42-33, Rates and Fees. This ordinance addressed fee adjustments as a result of the Waterworks Department moving to monthly billing for its customers, effective July 1, 2018. The following fees would be charged in the following amounts:

The Monthly Service fee for a 5/8" meter size would be \$13.00

The Monthly Service fee for a 3/4" meter size would be \$16.45

The Monthly Service fee for a 1" meter size would be \$23.40

The Monthly Service fee for a 1-1/2" meter size would be \$40.75

G. Other City Council Actions Continued

2. Ordinance Amending City Code, Chapter 16, Fire Prevention and Protection; and Chapter 42, Water Supply; to Address Fee Adjustments Related to the Department of Waterworks New Monthly Billing Process, Effective July 1, 2018

2. Water Supply Continued

The Monthly Service fee for a 2" meter size would be \$62.40

The Monthly Service fee for a 3" meter size would be \$144.00

The Monthly Service fee for a 4" meter size would be \$208.00

The Monthly Service fee for a 6" meter size would be \$383.00

The Monthly Service fee for an 8" meter size would be \$593.00

The Monthly Service fee for a 10" meter size would be \$832.00

The single metered residential usage would be charged as follows:

R1 – lifeline tier – 0 to 2 HCF (one hundred cubic feet) would total \$3.21/HCF

R2 – normal tier – greater than 2 to 25 HCF would total \$3.69/HCF

R3 – conservation tier – greater than 25 HCF would total \$7.38/HCF

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

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

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

3. Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous; Section 28-36, Loud Noises Prohibited

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING CHAPTER 28, OFFENSES – MISCELLANEOUS, SECTION 28-36, LOUD NOISES PROHIBITED. Recent case law

G. Other City Council Actions Continued

3. Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous;
Section 28-36, Loud Noises Prohibited Continued

suggested that a 50-foot limit on amplified noise may not withstand judicial scrutiny if challenged. This ordinance amendment removed the 50-foot limit on amplified noise, while maintaining a restriction on noise that was plainly audible inside the dwelling of another between the hours of 10:00 p.m. and 8:00 a.m. The City Manager recommended approval.

Mr. John M. Gantt, 309 Selden Road, Newport News, addressed City Council regarding loud noise from City Life Church, who rented space from North Riverside Baptist Church at 311 Selden Road. The noise issues occur on multiple nights of the week as they practice for service, Saturday night service, or Youth services. When this occurred, he heard amplified bass and vocals in his house, which disrupted the peace and tranquility of his home. He advised that he had partial hearing loss from due to the repeated use of air powered tools for his job. Mr. Gantt advised that he called the non-emergency police number on numerous occasions, Officers would agree that he should not hear noises in his home from their services. The City Life Church also used a building within 100 feet of his home for outside activities at times, using a bullhorn which could be heard blocks away. Mr. Gantt felt that any significant changes to the ordinance had been in place for quite some time, and violated his right to peaceful use of his property; and allowed further abuse of the ordinance designed to protect and preserve the home as a keystone of democratic government. He had asked both churches to be a good neighbor and lower the volume of the music and relocate the youth program to another side of the church, father from his property, to no avail. Mr. Gantt advised that he had fought this for over one year. He was told the amendment to the ordinance had nothing to do with his problems with the church, but he felt it was rather coincidental (a copy of Mr. Gantt's comments are attached and made a part of these minutes).

Councilwoman Woodbury asked where Mr. Gantt's home was located in connection to the church. Mr. Gantt replied that his home was located to the left of the church. She asked whether he had appealed to the church. Mr. Gant replied yes, he had spoken with the Pastor at City Life Church, and was told this was the way churches were in the 21st century.

Mr. Gantt inquired about the revision to the ordinance. City Attorney Owens responded that the proposal was to repeal that language because of a potential challenge. There had been federal court cases that had struck down similar provisions in other ordinances because it dealt with first amendment issues. The City would have to study the noise ordinance further to come up with something that would meet a constitutional challenge. He advised, what would remain in the ordinance was, "if it was plainly audible inside the confines of a dwelling, unit house, or apartment of another person, between the hours of 10:00 p.m. and 8:00 a.m.," it was a violation. The City would revisit the issue, but federal courts had made it clear. Councilman Bateman added it should not matter since Mr. Gantt could hear the noise. City Attorney Owens responded, it depended what time of day Mr. Gantt could hear the noise. He would revisit the federal cases, to see what could be legally defended. City Attorney Owens

G. Other City Council Actions Continued

3. Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous;
Section 28-36, Loud Noises Prohibited Continued

recalled being contacted by the church regarding an exemption for churches. They were told there was no exemption, as that would be unconstitutional. City Attorney Owens advised Mr. Gantt that his situation did not precipitate this amendment, but an amplification on the sidewalk in a different part of the City, and a challenge from a first amendment analyst from outside of the State of Virginia, and it was determined that the current 50 foot limit needed to be removed from the ordinance.

Mr. Gantt advised the timing was another issue. It appeared that it was being limited to hours between 10:00 p.m. and 8:00 a.m. His issues were occurring late in the evening. He pointed out there was an either/or and he was concerned that the “or” would be removed. City Attorney Owens replied that the “or” would be removed. Mr. Gantt understood that to mean that people could not make loud noises between the hours of 10:00 p.m. and 8:00 a.m. City Attorney Owens replied yes, until a study was done that could justify additional restrictions.

Councilwoman Woodbury understood that City Life Church was renting from the original church, North Riverside Baptist Church. Mr. Gantt confirmed that, and advised that he had spoken with the Pastor of North Riverside Baptist Church as well, who would look into what could be done, and have their attorney review the lease agreement. Their attorney had sent Mr. Gantt a “No Trespass order.” The youth were loud, rowdy, and basically laughed at the police officer citing their first amendment rights. Mr. Gantt cited a federal case in Michigan where the judge threw out a case due to first amendment abuse because a homeowner complained about loud music.

Vice Mayor Vick empathized indicating that could be frustrating because City Life Church was renting, and were not at the property when Mr. Gantt purchased his home.

City Attorney Owens inquired whether Mr. Gantt had contacted an Attorney about pursuing a private nuisance claim against the church. Mr. Gantt replied that he had spoken with an attorney.

In deference to Mr. Gantt, who was Councilman Bateman’s neighbor. City Attorney Owens advised that the Police had been instructed not to enforce the 50 foot limit, but was asking City Council to repeal the 50 foot limit since it could not be enforced constitutionally. The Police were instructed not to enforce this until the city could amend the ordinance to make it constitutional.

Councilwoman Woodbury questioned whether there was anything City Council could do as a governing body to speak with the church about being a good neighbor. City Manager Rohlf advised yes, and indicated the Police Department had been involved in neighborhood type issues in an effort to facilitate or mediate a problem.

G. Other City Council Actions Continued

3. Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous;
Section 28-36, Loud Noises Prohibited Continued

Councilwoman Cherry thanked Mr. Gantt for bringing this to Council's attention. She apologized for the faith community not being considerate of their neighbors. She hoped that a resolution could be reached.

City Attorney Owens indicated it was problematic to enforce the 50 feet limit, there was no consistency. He further indicated that there was case law from the 4th Circuit, out of Ocean City, Maryland that had a similar linear foot restriction on noise, and the federal court through the case out. The least restrictive method possible must be used to achieve what one was trying to achieve, and there needed to be some showing that the City had studied the issue and taken the least restrictive means to achieve what they needed to achieve. The reason the City could continue to keep the evening restriction was that there had been cases that stated people had the right to have "quiet" in their homes in the evening when trying to sleep. Because Newport News was a locality that has the largest employer that runs three different shifts, and people sleep during the day, the City may be able to justify making the restriction 24 hours; but it must be studied and there must be some justification in the record to make that change.

City Manager Rohlf understood that the Police Department was instructed not to enforce that particular provision – the 50 foot limit - of the ordinance. Mr. Gantt understood that the Police Department was to cease enforcement of the ordinance altogether. City Attorney Owens understood that the Police Department was instructed to cease enforcement of the ordinance until the problem portion was removed.

Mr. Peter McEntire, 307 Selden Road, Newport News, retiree of the United States Air Force, also addressed City Council regarding loud noise from City Life Church, who rented space from North Riverside Baptist Church at 311 Selden Road. He advised that his house was two houses to the left of the church and had moved there for 13 years as his retirement home. He looked long and hard for a well-established, quiet neighborhood, which was the North Riverside neighborhood – for the first 11 years, until North Riverside Church began renting to City Life Church. He shared that his wife was completely deaf on her left side, but could hear the noise from the church, with all of the doors and windows closed. Mr. McEntire indicated if City Council relaxes on this law, would give City Life Church the green light to do what they wanted. He met with church leadership on three separate occasions, and was told to live with it. The Lead Pastor advised that he would check with his attorney about lowering their music. The church's response has been, "this is how we play our music, get over it." The church moved in after his family had lived in their home for 11 years, relaxed and peaceful. At 65 years old, he did not want to listen to this loud music at 7:00, 8:00, or 9:00 p.m. The peacefulness of the evening in his home had been completely disrupted.

Councilman Bateman inquired whether the music was coming from the main sanctuary in the church. Mr. McEntire replied, the music was coming from the main sanctuary. As a member of Liberty Baptist Church, he indicated they too had music, but did not

G. Other City Council Actions Continued

3. Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous;
Section 28-36, Loud Noises Prohibited Continued

disturb the neighbors. He did not expect the response, “you’ll have to live with it” from a church. Mr. McEntire advised that whatever City Council could do to help his situation would be greatly appreciated.

Councilwoman Woodbury indicated if it were any consolation, most of the members of City Life Church would have hearing loss before long. She apologized on behalf of the faith community. She could not imagine the church being so inconsiderate.

Councilwoman Cherry questioned whether City Council should defer this matter pending further investigation. City Attorney Owens responded that the matter could be deferred, but Council was being asked to amend the ordinance, removing the portion that could not be enforced constitutionally. Staff would continue to look for additional restrictions that were enforceable, which would be brought back to City Council for action. Councilwoman Cherry asked whether it was worth revising the time in the ordinance from 8:00 p.m. to 8:00 a.m. City Attorney Owens advised that staff would check the case law, and look at the fact that the City’s largest employer had three shifts. There were people who tried to sleep during the middle of the day, which may allow justification to expand the restrictions.

Councilman Bateman moved adoption of the above ordinance (see page 17).

The motion failed for lack of a second.

H. Appropriations

Vice Mayor Vick moved adoption of Appropriations, Items 1 and 2, as shown below; seconded by Councilman Harris.

1. Department of Engineering – FY 2018 Bond Fund Authorization, Stormwater
Drainage Category: Salters Creek Stream Restoration and the 9300 and 9502
River Road Shoreline Stabilization Projects

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$1,100,880.00) TO SALTERS CREEK STREAM RESTORATION (\$265,680.00) AND 9300-9502 RIVER ROAD SHORELINE STABILIZATION (\$835,200.00). This resolution appropriated \$1,100,800.00 from the FY 2018 Bond Authorization, Stormwater Drainage Category for the Salters Creek Stream restoration and the 9300 to 9502 River Road Shoreline Stabilization projects. This appropriation utilized \$265,680 for design and construction of the Salters Creek Stream Restoration project. The remaining \$835,200 was for the 9300 to 9502 River Road Shoreline Stabilization project would restore and stabilize eroded shoreline along this section of River Road. The \$835,200 for the

G Appropriations Continued

1. Department of Engineering – FY 2018 Bond Fund Authorization, Stormwater Drainage Category: Salters Creek Stream Restoration and the 9300 and 9502 River Road Shoreline Stabilization Projects Continued

9300 to 9502 River Road Shoreline Stabilization project would be leveraged by grant funding involving a 50% local match for a U. S. Army Corps of Engineers (USACE) feasibility study, and a 35% local match for design and construction. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

2. Department of Engineering – FY 2018 Bond Fund Authorization, Stormwater Drainage Category: Construction of Lake Maury Spillway Improvement Projects

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$3,163,000.00) TO LAKE MAURY SPILLWAY IMPROVEMENTS PROJECTS (\$3,163,000.00) This resolution appropriated \$3,163,000.00 from the FY 2018 Bond Authorization, Stormwater Drainage Category for the construction of the Lake Maury Spillway Improvements projects. The requested funds would address improvements to the dam for Lake Maury, to include the armor of the entire downstream dam embankment, and construction to control the lake level and discharge from the lake. In addition, an offshore stabilization would be executed prior to removal of shoreline vegetation based on the State Department of Conservation and Recreation's (DCR) requirements. The City Manager recommended approval.

Councilman Herbert H. Bateman, Jr., a member of the Newport News City Council, filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112.B and §2.2-3115.H of the Virginia Conflict of Interest Act, that for the City Council Agenda of May 22, 2018, (i) as Agenda item H2., the City Manager recommended to the Newport News City Council appropriation by resolution, funding for maintenance to the dam, embankment and spillway for Lake Maury for stormwater improvement purposes on land owned by the Mariners' Museum ("the transaction"); (ii) that he was employed by TowneBank, and the Mariners' Museum was a client of the bank; however, he did not personally represent or provide services to them; (iii) that he had no personal interest affected by the transaction; and (iv) that he was able to participate in the transactions fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meetings at which time the transaction was considered – May 22, 2018; and is attached and made a part of these minutes).

(No registered speakers)

H. Appropriations Continued

2. Department of Engineering – FY 2018 Bond Fund Authorization, Stormwater Drainage Category: Construction of Lake Maury Spillway Improvement Projects Continued

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

G. Other City Council Actions Reconsideration

3. Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous; Section 28-36, Loud Noises Prohibited Reconsideration

Councilwoman Woodbury moved to reconsider the Ordinance Amending City Code, Chapter 28, Offenses – Miscellaneous; Section 28-36, Loud Noises Prohibited; seconded by Councilman Bateman.

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING CHAPTER 28, OFFENSES – MISCELLANEOUS, SECTION 28-36, LOUD NOISES PROHIBITED.

Councilwoman Woodbury moved adoption of the above ordinance in order to study, and to not have the liability of a lawsuit against the City for not being in compliance with federal law; seconded by Councilman Bateman.

Councilman Bateman advised Mr. Gantt and Mr. McEntire that City Council was concerned with their situation and would follow through on the matter.

Councilwoman Cherry expressed thanks to Councilwoman Woodbury for bring clarity to the above motion to avoid litigation against the City.

Vote on Roll Call:

Ayes: Cherry, Harris, Price, Vick, Woodbury, Bateman

Nays: None

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

Mr. Michael Crichlow, Hollymeade Circle, Newport News, advised that he was a 15-year Bail Bondsman in the Criminal Justice System. He extended congratulated Councilman-Elect David H. “Dave” Jenkins on his election to the Newport News City Council, Central District; and to the Councilmembers on their re-election to the Newport News City Council – Mayor Price, Councilwoman Cherry, and Councilwoman Scott.

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

Mr. Crichlow thanked Councilman Marcellus Harris for the Councilman's Corner held on Monday, May 7, 2018, 5:00 – 7:30 p.m., at Beechwood Pool and Recreation Center (913 Colleen Drive). He appreciated the time spent and felt their conversation about gun control and Pre-Trial Services was productive.

Mr. Crichlow commented about the number of DWI's (Driving While Intoxicated) being released in the City of Newport News by the Magistrate's Office. The majority of the citizens were unaware. Mr. Crichlow felt that Pre-Trial Services was a waste of taxpayer dollars, and did nothing to keep the community safe.

Ms. Jannie Bazemore, 1004 Hampton Avenue, Newport News, extended congratulations to Councilman-Elect David H. "Dave" Jenkins on his election to the Newport News City Council, Central District; and to the Councilmembers on their re-election to the Newport News City Council – Mayor Price, Councilwoman Cherry, and Councilwoman Scott.

Ms. Bazemore advised that members of the Huntington High School Alumni Association were present to request funding for Huntington Middle School. She further thanked City Manager Rohlf for attending the Your Voice Town Hall Meeting and enlightening the citizens about the Budget Process.

Ms. Bazemore indicated that Huntington Middle School was a necessary school in the Southeast Community. She commented that the City was required, under the terms of the 1971 Court Order, to have a zoned neighborhood school for 6th, 7th, and 8th grade students in the Southeast Community. She stated that all of the students could not be bussed to schools above Mercury Boulevard. Anything that had occurred previously was in the past, and there was nothing that could be done about it. The Alumni Association hoped that the negatives would not be repeated. She asked that City Council move forward to correct the negatives that were done to Huntington Middle School, meaning that City Council and the Newport News School Board getting together and not letting anything that happened to Huntington Middle School happen again to any schools in the City of Newport News. On behalf of the Alumni Association, Ms. Bazemore requires funds immediately, to get busy of Huntington Middle School. She advised that the Newport News Public Schools, administrative staff, and the School Board had committed to rebuilding Huntington Middle School. She asked that City Council provide that opportunity by providing the necessary funding to begin the work within the next year. To keep those doors closed for several years meant that the school would not come back. The naysayers advised that the decision was made to close the school, but the members of the Huntington High School Association believed that their efforts would bring about positive results, and that the Newport News City Council and School Board were run by people of honesty and integrity who listened to their constituents and acted accordingly for the good of the people.

Ms. Bazemore reiterated her request that City Council provide funding immediately to begin the process of rebuilding Huntington Middle School.

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

Councilwoman Woodbury advised that there was a great deal of energy around Huntington Middle School, and suggested Ms. Bazemore head up a Capital Campaign for the rebuilding of Huntington Middle School. As a former Viking, Councilwoman Woodbury felt sure that Mayor Price would make a huge donation. She advised that she would be willing to make a contribution as well. A Capital Campaign would be a positive move. Ms. Bazemore responded that she would give the idea some thought after doing some research.

Ms. Bazemore announced, on Monday, June 18, 2018, 4:00 p.m. – 7:00 p.m., a gathering of the Huntington High School Vikings at Huntington Middle School, 3401 Orcutt Avenue. She invited all members of City Council.

In response to Ms. Bazemore's comments about the 1971 Court Order, Mayor Price advise that it was not a Court Order, but a Court Approved Plan.

Councilwoman Cherry advised, at the South District "Your Voice Matters" Town Hall Meeting, held on Thursday, May 17, 2018, 6:00 – 7:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), there had been conversation regarding a Capital Campaign for Huntington Middle School. Councilwoman Cherry promised additional conversations around the idea.

Mr. Dominique Green, 333 Pine Avenue, Newport News, extended congratulations to Mayor McKinley Price, DDS, on a great race and his re-election as Mayor, and commended co-Mayor candidate, Councilman Marcellus Harris III, on a great race. He further extended congratulations to the Councilmembers on their re-election to the Newport News City Council – Councilwoman Cherry, and Councilwoman Scott. It was a great opportunity for him to seek an elected position in the City. He liked it and hoped to be included in future conversations and opportunities.

Mr. Green shed light on what he felt was a good indicator of some challenges in the City of Newport News, but felt there were opportunities available with the challenges. He shared that Hampton Roads was spotlighted in a two-part series on WAVY-TV 10 about not being the greatest place for business. Mr. Green stated Newport News was a great City, but was not running on all cylinders. The City was facing an opportunity which had catapulted cities across the Country around artificial intelligence, cloud computing, WI-FI being accessible to everyone in the City, infrastructure that supported businesses that were looking at jobs of the future, and advanced manufacturing. He indicated these were great opportunities for the City. Officials must decide where the City should be in the next 10 years, particularly the youth, who were looking for the next great opportunity – perhaps to start a business, or perhaps they needed good advice or good coaching. Mr. Green indicated there was a divide between the youth and senior citizens. That gap could potentially be bridged by the use of technology; i.e. mentorship programs where senior citizens passed along knowledge and information to the youth. He created the "Vision 2022 Plan." Members of City Council had shown that they cared about the City. He encouraged Councilmembers to look at the report saying the Hampton Roads may not be good for

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

business, and turn it into an opportunity by bringing new jobs of the future such as artificial intelligence and cloud computing.

Mr. Antonio Thompson, 1211-25th Street, Newport News, quoted Bible scriptures (I Thessalonians, Chapter 4, verse 16). He reiterated his belief that United States President Donald Trump was the trump of God. Mr. Thompson urged citizens to contribute to the Newport News Police Foundation, and mail contributions to the Foundation at P. O. Box 120496, Newport News, VA 23601. He said he had observed an increase in the murder rate in Newport News for years. Now was the time for the Police Department and gun owning citizen to get together and have firing ranges for the young people and those aspiring to use a firearm. He encouraged everyone to get their weapons as there had been cycles of violence in Newport News since 1965. He urged the concept of community policing within the police force. He reiterated the need for the Police Department and gun owners to get together, organize themselves, and be prepared to use lethal force. Mr. Thompson stated that prisons and jails should be shut down, as there were people who did not care whether or not they went to jail. Life sentences were not a punishment. Execution was far better than incarceration.

Mayor Price issued a disclaimer as some of the comments were not the view of the Newport News City Council. They did not suggest that individuals go out in mass and purchase guns.

Mr. Ernest Thompson, 645-19th Street, Newport News, extended congratulations to Councilman-Elect David H. "Dave" Jenkins on his election to the Newport News City Council, Central District; and to the Councilmembers on their re-election to the Newport News City Council – Mayor Price, Councilwoman Cherry, and Councilwoman Scott.

Mr. Thompson addressed City Council regarding Huntington Middle School, formerly Huntington High School. He shared that he and Mayor Price had a brief conversation. Mr. Thompson had no problem with a campus. He reiterated the comments made by Mr. Dominique Green – we need to look at the future. He stated that Huntington Middle School being a campus could be a reality.

Mr. Thompson congratulated the members of City Council. He admitted that he was unaware of how hard Councilmembers worked.

Mr. Thompson reminded members of Council that Huntington Middle School meant a great deal to the Southeast Community. In dealing with the School Board, everyone seemed to be on board.

Mr. Thompson stated, regarding the Choice Neighborhood Initiative, he hoped the City would address the issue of coal dust, as the Southeast Community was transformed. He hoped that what Newport News did on the CNI would become a template for what other cities

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

would marvel at and model that. He encouraged City Council to continue advocating until they realized what we were after.

Mr. Adrian Whitcomb, President, "Citizens for Riverview Farm Park," 316 – 54th Street, Newport News, referenced a study entitled, "The Impact of Parks and Open Space on Property Values and the Property Tax Base," by Mr. John L. Crompton, Professor of Recreation, Parks, and Tourism, Texas A & M. He advised this was on economic development, which recreation could play a major role. Regarding attracting new businesses, the study pointed out that the viability of businesses in high technology in research and development, were dependent on their ability to attract and retain highly educated and professional employees. The deciding factor was where these individuals chose to live. Parks and Recreation were likely to be a component of where individuals chose to live. City Farm was a great example, which was a part of Riverview Farm Park. The nicer the park, the more it would attract people to want to live there, which would increase the value of existing houses, which would increase the tax base without having to add more homes.

Mr. Whitcomb advised the citizens of the City's Planning Commission's next Public Hearing on the Comprehensive Plan, scheduled for Wednesday, June 6, 2018, 2:00 p.m., in the City Council Chambers, City Hall, 2400 Washington Avenue. He stated that the Planning Commission may vote on the Comprehensive Plan. He encouraged all citizens to attend.

Mr. Whitcomb urged citizens to visit the website www.SaveRiverviewFarmPark.com. He reminded that all of the former City Farm property was included in Riverview Farm Park. Members of "Citizens to Save Riverview Farm Park" wanted the City Farm to remain a part of Riverview Farm Park.

J. Old Business, New Business and Councilmember Comments

City Manager Rohlf shared that the City had a site visit with representative from the Department of Housing and Urban Development (HUD) for FY 2017 Choice Neighborhood Implementation (CNI) Grant. An announcement would be made toward the end of June, 2018 in terms of whether Newport News would be a recipient of the \$30 million grant award. City Manager Rohlf expressed appreciation to the City staff, community partners, and citizens, for the hard work, and assistance in compiling a fantastic presentation to the Department of Housing and Urban Development (HUD) for FY 2017 Choice Neighborhood Implementation (CNI) Grant Funding. City Manager Rohlf thanked members of City Council for their support.

Councilwoman Cherry thanked the citizens for their attendance and participation.

Councilwoman Cherry announced that May 20-26, 2018 was National Public Works Week. She extended congratulations to Mr. H. Reed Fowler, Director, Department of Public Works, and his staff.

J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Cherry advised that she attended the 4th Annual Anti-Bullying Poetry Slam for the Before and After School Youth Program, at Saunders Elementary School (853 Harpersville Road), on Friday, May 18, 2018, headed by Ms. Christina Feliciano Chandler.

Councilwoman Cherry announced that the Juneteenth Freedom Festival was scheduled for Saturday, June 16, 2018, 12 noon – 4:00 p.m., at Brooks Crossing (30th Street and Jefferson Avenue). Interested vendors or exhibitors were instructed to contact the City at (757) 813-6014.

Councilwoman Cherry advised that City Council had the pleasure to meet with the owner of Piggly Wiggly, Mr. Bert Harrell, on Thursday, May 17, 2018, 3101 Jefferson Avenue. He was excited about coming to the Southeast Community, and operating in a beautiful facility. She asked for the Community's support for the success of the new grocery store.

Councilwoman Cherry extended congratulations to all of the students and wished them well on your Standards of Learning (SOLs) tests.

Councilman Harris thanked the citizens for their attendance and those watching on line and television from the comfort of their homes.

Councilman Harris acknowledged and recognized members of the Richneck Elementary School Archery Team and Coach, Mr. James "Jim" Riley. He announced that the team had qualified for the World Archery Tournament to Louisville, Kentucky. Members of the team in attendance included: Jeremy Barbee, Joshua Barnhart, Samere Coleman, Darielys Diaz-Rodriguez, Maddox Evans, Gabrielle Gauthier, Haley Harris, Susan Kersey, Brian Kilmartin, Evan Kim, Brielle Lacayo, Audrey McGrew, Kai-Ya Moore, Ariana Robertson, Jacob Rodriguez, Hudson Smith, Adasyn Spindler, Rhianna Vaughn, Seliyah Viens, Harmonie Webb, and Sariah Webb. This was the third year qualifying. He commended this group of 3rd, 4th, and 5th graders for representing the City so well. These students also did well in the classroom. Students at B. C. Charles Elementary also qualified, and would travel to Louisville, Kentucky to compete on June 6-8, 2018. Councilman Harris extended thanks to Coach Riley for working so well with this group.

Councilman Harris announced, on Wednesday, May 30, 2018, he would host a Social Media Small Business Mixer. Staff from the Department of Development and the Commissioner of the Revenue's Office would provide presentations. This event was to get small business men and women in one room to talk about their businesses and the services offered and hopefully using social media to learn how to better expand their business for exposure. The event would be held on Wednesday, May 30, 2018, 6:00 – 9:00 p.m., at the Beechwood Pool and Recreation Center (913 Colleen Drive). All small business owners, entrepreneurs, non-profit organizations were welcome to attend.

Councilman Harris advised that he attended the Kiwanis Club Spring Dinner at I-HOP (15447 Warwick Boulevard), on Monday, May 21, 2018, 5:00 – 8:30 p.m. Funds raised

J. Old Business, New Business and Councilmember Comments Continued

went to support the Denbigh Kiwanis charities [thirty percent (30%) of each individual receipt was donated to the Denbigh Kiwanis].

Councilman Harris wished his wife, Mrs. Rasheena Harris, Happy Birthday. Mrs. Harris celebrated her birthday on Thursday, May 24, 2018.

Mayor Price extended thanks expressed appreciation to the City staff, community partners, and citizens, for the hard work, and assistance in compiling a fantastic presentation to the Department of Housing and Urban Development (HUD) for FY 2017 Choice Neighborhood Implementation (CNI) Grant Funding. Staff did an excellent job. Some of the partners stayed throughout the presentation and tour. He felt confident that Newport News would be a recipient of the CNI Transformation Grant award. Mayor Price expressed thanks to City Manager Rohlf for her leadership, and all City staff who participated.

Mayor Price indicated that the World Arts Celebration scheduled for Saturday May 19, 2018, had been cancelled due to inclement weather, but the Wailers Concert held Saturday, May 19, 2018, 7:00 p.m. at Boathouse Live (11800 Merchants Walk, Suite 100) was very enjoyable.

Mayor Price indicated that the City participated in a joint grant program for the 1908 Playground Improvement Project, in partnership with the Lambda Omega Chapter of Alpha Kappa Alpha Sorority, Inc. The partnership involved collaboration of a grant submittal for trail and park improvements at King-Lincoln Park in the amount of \$370,000.00.

Mayor Price advised that he attended the first game of the Lions Bridge Soccer Club, on Saturday, May 19, 2018.

Councilwoman Woodbury thanked the citizens for their attendance and participation.

Councilman Bateman presented A RESOLUTION URGING CONGRESS AND THE VIRGINIA GENERAL ASSEMBLY TO ENACT LEGISLATION TO PREVENT GUN VIOLENCE. This resolution would ask Congress and the Virginia General Assembly to enact legislation to prevent gun violence that would authorize Extreme Risk Protection Orders in order to provide an avenue for law enforcement and family members of those in crisis to seek judicial action to prevent the individual in crisis from purchasing a firearm. Extreme Risk Protection Orders would allow families and law enforcement to petition a court to suspend a person's access to firearms if there was documented evidence that an individual was threatening harm to themselves or others. The person subject to that order must surrender their guns to the police, and would not be able to buy, sell, or possess other firearms for up to one year. This was not a gun control issue, but was a mental health issue.

J. Old Business, New Business and Councilmember Comments Continued

He asked that this be approved for circulation among the legislative delegation and included in the City's Legislative Package.

Councilwoman Woodbury indicated that she would like to do research on the matter.

Mayor Price inquired whether it was intended for distribution immediately to the legislative delegation. Councilman Bateman replied that he would like for the resolution to be sent immediately and included as a part of the City's Legislative Package.

Councilman Bateman moved adoption of the above resolution; seconded by Councilman Harris.

Vote on Roll Call:

Ayes: Harris, Price, Vick, Bateman

Nays: Cherry

Abstention: Woodbury (needed additional time to study the resolution)

Councilman Bateman thanked the citizens for their attendance and participation.

K. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:53 P.M.



Mabel Washington Jenkins, MMC
City Clerk



McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk