

August 27, 2018

**Subject to approval
by City Council**

At a Called Meeting of the City Council on Monday, August 27, 2018, there were present:

Mayor John L. Rowe, Jr., Vice Mayor Elizabeth M. Psimas, William E. Moody, Jr., Ray A. Smith, Sr., Dr. Mark M. Whitaker, Nathan J. Clark, Lisa L. Lucas-Burke, City Manager Dr. L. Pettis Patton, City Attorney Solomon H. Ashby, Jr.

18 - 324 - The Mayor called the meeting to order and welcomed all in attendance:

"Please attend a Called Meeting of the City Council to be held in the 6th Floor Conference Room, 801 Crawford Street, 6:00 p.m., Monday, August 27, 2018 for the purpose of a Public Work Session.

In addition, you may consider a motion to go into a Closed Meeting.

By order of the Mayor."

18 - 325 - The following items were discussed in Public Work Session:

1. Street Paving Program - Youssef Khalil, Director of Public Works
2. 2019 Legislative Submissions - Sherri Neil, Intergovernmental Affairs Manager
 - Councilman Whitaker inquired about the bail requirements for non-violent arrest and local delegate support on this issue. City Manager Patton will research and report back.
3. 2017 Police Department Annual Report - Chief Tonya Chapman, Chief of Police
 - Councilman Whitaker inquired about processes for crimes committed by persons with mental disabilities. City Attorney Ashby provided a brief update, and City Manager Patton will meet with Sheriff Moore for additional information and report back.
4. Pre-Briefing on Municipal Fiber Network - Michael Ammons, Procurement Officer

18 - 326 - Motion by Mr. Moody, and seconded by Ms. Lucas-Burke, to go into a Closed Meeting pursuant to Virginia Code 2.2-3711 A.3 for the purpose of:

Discussion of assignment, appointment, or salaries of City Council appointees.

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe
Nays: None

Motion Ms. Lucas-Burke, and seconded by Mr. Smith, pursuant to Virginia Code Section 2.2-3712(D) certifying that, to the best of the Council Members' 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 just concluded by the City Council.

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe
Nays: None

On motion, meeting adjourned at 7:34 p.m.

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Minutes prepared by:

Keia D. Waters, CMC
Senior Deputy City Clerk

APPROVED -

John L. Rowe, Jr.
Mayor

Anita Y. Sherrod
Chief Deputy City Clerk

August 28, 2018

At a Called Meeting of the City Council on Tuesday, August 28, 2018 there were present:

Mayor John L. Rowe, Jr., Vice Mayor Elizabeth M. Psimas, William E. Moody, Jr., Ray A. Smith, Sr., Dr. Mark M. Whitaker, Nathan J. Clark, Lisa L. Lucas-Burke, City Manager Dr. L. Pettis Patton, City Attorney Solomon H. Ashby, Jr.

18 - 330 - The Mayor called the meeting to order and welcomed all in attendance:

"Please attend a Called Meeting of the City Council to be held in the 6th Floor Conference Room, 801 Crawford Street, 5:00 p.m., Tuesday, August 28, 2018 for the purpose of a Public Work Session.

In addition, you may consider a motion to go into a Closed Meeting.

By order of the Mayor."

18 - 331 - The following items were discussed in Public Work Session:

- Mayor Rowe offered condolences to Councilman Moody for the loss of his brother.
- 1. Department of Engineering Overview - James Wright, City Engineer
 - Councilman Moody asked for an update on the Rivershore Road project.
 - Dr. Patton, City Manager, informed City Council that the contractor will expedite the project, opening the road by Tuesday, September 4. Landscaping and sidewalks will be completed weather permitting.
- 2. Law Library Board - Solomon Ashby, City Attorney
 - Mayor Rowe asked if unspent monies go into a Library Fund.
 - Dr. Patton, City Manager, informed City Council she would provide where the funds for the Law Library were listed in the budget.
- Mayor Rowe asked for a consensus of City Council to have Solomon Ashby, City Attorney, make this presentation to the Portsmouth Bar Association (PBA) and have the PBA recommend attorneys.
- Dr. Patton, City Manager, informed City Council that the Law Library has its own fund with a balance of over \$63,000.
- 3. Towing Advisory Commission - Solomon Ashby, City Attorney
 - Mr. Moody asked that the Request for Proposal (RFP) only include towing companies with storage facilities in Portsmouth.
 - Mr. Moody will make an announcement of the reconstitution of the Towing Advisory Commission at the 7:00 p.m. Regular Meeting and invite citizens to apply.
 - Mayor Rowe asked that Dr. Patton, City Manager, provide a list of towing companies in Portsmouth to consider representatives for the Towing Advisory Commission.
- 4. Implementing Components of CIP – Funding for Fleet Purchasing - Cheryl Spivey, Chief Financial Officer
 - Mr. Moody asked why the City did not debt finance the \$1,000,000 provided to schools for the bus fleet.
 - Dr. Patton, City Manager, will study the issue and provide that information to City Council.
- 5. City Manager's Report Review/Report Backs - Dr. Patton, City Manager
 - Mayor Rowe asked that Dr. Patton, City Manager, bring back options to reach the goal of having a Smart City that will have side by side comparisons to include advantages/disadvantages and cost benefits.
 - Mayor Rowe asked that at the September 10, 2018 Public Work Session, staff provide information on the infrastructure.

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- Councilman Whitaker asked for more detailed information on projects in the future.

6. City Council Liaison Reports

- Councilman Clark -
 - Hampton Roads Regional Jail Authority update.
- Councilwoman Psimas -
 - Portsmouth Port and Industrial Commission update.
 - Economic Development Authority update.

➤ Councilman Clark asked for an update on the following:

- Information on whether individuals have attended the Tidewater Builders classes.
- Possible return of the red phone booth to Portside with an upgrade to be used as a cell phone charging station.

➤ Mayor Rowe asked that suggested changes to the City Council Rules of Order and Procedure be reviewed for discussion at the September 10, 2018 Public Work Session.

18 - 332 - Motion by Ms. Psimas, and seconded by Ms. Lucas-Burke, to go into closed meeting pursuant to Virginia Code subsection 2.2-3711 A.7 for the purpose of consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the City, specifically regarding Victory Crossing Developers II v. City of Portsmouth, Virginia, et als., Portsmouth Circuit Court case number CL 16003612-00 and Victory Crossing Developers II v. Economic Development Authority of the City of Portsmouth, Virginia, Portsmouth Circuit Court case number CL 16001977-00 and 01.

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

Motion by Ms. Psimas, and seconded by Ms. Lucas-Burke, pursuant to Virginia Code Section 2.2-3712(D) certifying that, to the best of the Council Members' 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 just concluded by the City Council.

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: Whitaker

On motion, meeting adjourned.

Minutes prepared by:

Anita Y. Sherrod
Chief Deputy City Clerk

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APPROVED -

John L. Rowe, Jr.
Mayor

Debra Y. White, CMC/AE
City Clerk

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At a Regular Meeting of the City Council on Tuesday, August 28, 2018, there were present:

Mayor John L. Rowe, Jr., Vice Mayor Elizabeth M. Psimas, William E. Moody, Jr., Ray A. Smith, Sr., Dr. Mark M. Whitaker, Nathan J. Clark, Lisa L. Lucas-Burke, City Manager Dr. L. Pettis Patton, City Attorney Solomon H. Ashby, Jr.

Reverend Lynda Moore opened the meeting with prayer, which was followed by the Pledge of Allegiance to the Flag.

Mayor Rowe called the meeting to order and welcomed all in attendance.

Motion by Mr. Moody, and seconded by Mr. Smith, to approve the minutes of a Called Meeting of August 13, 2018, of a Called Meeting of August 14, 2018, and of a Regular Meeting of August 14, 2018, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

- Public Hearing -

18-333 Public hearing on the City's Request for Proposals for the outside plant construction of a new municipal fiber network consisting of fifty two (52) miles of fiber and connecting fifty six (56) community anchor institutions and three (3) internet points of presence.

1. Mark Geduldig-Yatofsky, P. O. Box 50141, spoke in support of this item.
2. Donna Sayegh, 3104 Garland Drive, voiced her concern with the funding source for this project.

Unfinished Business -

Consent Agenda:

18 - 311 - Use permit and rezoning:

Motion by Mr. Clark, and seconded by Ms. Psimas, to adopt the following resolution and ordinance approved on first reading at the August 14, 2018 meeting, and was adopted by the following vote:

18-311(a):

"RESOLUTION GRANTING A USE PERMIT (UP-18-04) TO EDWARD WALKER TO OPERATE AN ENTERTAINMENT ESTABLISHMENT AT 467 COURT STREET, TAX PARCEL 0006-0900.

WHEREAS, Edward Walker, the contract lessee of the subject property, has made application pursuant to Section 40.1-2.3B of the Code of the City of Portsmouth, Virginia (2006) for the granting of a use permit to operate an entertainment establishment at 467 Court Street, Tax Parcel 0006-0900; and

WHEREAS, 467 Court Street, LLC, the owner of the subject property, has consented to the filing of the application; and

WHEREAS, the applicant and the Planning Director have done all things required to be done in connection with said application; and

WHEREAS, the Planning Commission has recommended the granting of the application for a use permit with conditions.

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

1. That it finds that the use for which the permit is sought:
 - (a) Complies with the applicable standards of the Zoning Ordinance;
 - (b) Is consistent with the comprehensive plan;
 - (c) Is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
 - (d) Is configured to minimize adverse effects, including the visual impacts of the proposed use on adjacent lands;
 - (e) Avoids significant deterioration of water and air resources, and other natural resources;
 - (f) Maintains safe and adequate egress and ingress onto the site, and safe road conditions around the site;
 - (g) Allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning districts; and
 - (h) Complies with all other city, state, and federal laws and regulations.

2. That Edward Walker is hereby granted a use permit pursuant to Section 40.1-2.3(B) of the Code of the City of Portsmouth, Virginia (2006) to operate an entertainment establishment at 467 Court Street, Portsmouth, Virginia, Tax Parcel 0006-0900, being more particularly described as:

UP-18-04

**467 Court Street
(Tax Parcel 0006-0900)**

ALL THAT certain lot, piece or parcel of land, with the appurtenances thereunto belonging, situate in the City of Portsmouth, Virginia, on the east side of Court Street, between High Street and Queen Street, and bounded and described as follows: Beginning on Court Street at the Northwest corner of lot formerly the Court House lot; thence running North along the east side of Court Street, forty-two (42) feet, more or less, to the Yard pales now or formerly of Elizabeth Blamire; thence running East and parallel with the Court House lot one hundred fifteen (115) feet, more or less, to land now or formerly of David A. Reynolds; thence running South forty-two (42) feet, more or less, to the lot formerly the Court House lot; and thence running West along that lot to the point of beginning, said property being known as the Masonic Temple and being known by the present system of street numbering as 463-467 Court Street, Portsmouth, Virginia, together with all right, title and interest, and all easements acquired by and under a Deed dated May 10, 1904 from Otto C.A. Bindewald, et ux., to the Trustees of Portsmouth Naval Lodge No. 100. A.F. & A.M., and Trustees of Mount Horeb Royal Arch Chapter No. 11, which Deed is recorded in the Clerk's Office of the Circuit Court of the City of Portsmouth, Virginia, in Deed Book 48, at page 404.

IT BEING the same property conveyed to 467 Court Street, LLC, a Virginia limited liability company, by Deed from C/JN Real Estate Holdings, LLC, a Virginia limited liability company, dated May 12, 2017 and recorded in the Portsmouth Circuit Court Clerk's Office as Instrument Number 170004827.

3. That the use permit is approved subject to the following conditions which shall be observed by the applicant and any successor in interest:

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- (a) The occupant load on the first floor shall remain at no greater than 150 persons, including employees, or the capacity set by the Building Official. The more restrictive of the two capacity limitations shall apply. The occupancy load shall not be exceeded at any time.
- (b) Hours of entertainment shall be limited to no earlier than 11:00 a.m. to no later than 2:00 a.m. There shall be no entertainment above the ground floor of the building.
- (c) Patrons and staff of the entertainment establishment shall not block the main entrance or public sidewalk at any time, so as to allow for free flowing pedestrian passage on the public right of way.
- (d) Rear doors shall be used for emergency exits and deliveries only, and shall not be propped open during hours of operation.
- (e) All external site improvements, including signage, shall be reviewed by the Downtown Design Committee (DDC) and issued a Certificate of Appropriateness (COA) prior to beginning work.
- (f) The applicant shall submit to a commercial reinspection and obtain a Certificate of Occupancy from the Department of Permits and Inspections prior to initially operating the establishment.
- (g) The applicant shall obtain and keep current all required local, state, and federal licenses and permits prior to operation, and all required licenses and permits shall remain in effect during the operation of the establishment.
- (h) All taxes and fees associated with the establishment or the property shall be paid when due.
- (i) Noise from the establishment shall comply with City Code Section 24-255 (Loud Disturbances and Unnecessary Noise and Sound).
- (j) The owners and/or operators of the establishment shall not violate any laws of the Commonwealth or ordinances of the City related to peace and good order, nor suffer repeated or chronic violations by any of its patrons or customers. If the Chief of Police, in his/her discretion, determines that significant violations of laws or ordinances resulting from or related to operation of the entertainment establishment are posing a threat to peace and good order or otherwise creating a significant problem for law enforcement, he/she may so notify the applicant in writing. The letter shall be copied to the Director of Planning and may constitute grounds for initiating proceedings for revocation of this permit.
- (k) Without limitation, the Use Permit may be revoked if one or more of the following conditions are determined by the Planning Director to exist:
 - (i) The use permit was obtained or extended by fraud or deception;
 - (ii) The applicant has failed to comply with one or more of the conditions of approval;
 - (iii) There is a change in conditions affecting the public health, safety, and welfare, since the adoption of the use permit; or
 - (iv) There are repeated violations of the Zoning Ordinance related to the operation of the entertainment establishment.
- (l) The entertainment establishment shall not have valet parking.

4. **REVOCATION OF PERMIT:** Violation of any of the above conditions may serve as grounds for revocation of the use permit by City Council."

18-311(b):

"ZONING AMENDMENT ORDINANCE Z-18-02."

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Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

- City Manager's Report -

18 - 334 - Adoption of an ordinance accepting grant funds in the amount of \$160,000 from the Office of the Executive Secretary of the Supreme Court of Virginia and appropriating said amount in the FY 2019 Grants Fund for use by the Third Judicial Circuit Court for the Portsmouth Adult Drug Treatment Court.

Background:

- The Portsmouth Adult Drug Treatment Court was established to serve as an intensive treatment program for treating nonviolent felony offenders who are dependent upon drugs and/or alcohol.

Discussion:

- This program was first implemented in 2000.

Financial Impact:

- There is no city cash match required.

Staff Recommends:

- Adoption of ordinance.

Next Steps Following Council Action:

- The Finance Department will make the necessary budgetary adjustment. In addition, the responsibility of overseeing the Portsmouth Adult Drug Treatment Court will rest with the Third Judicial Circuit Court of the City of Portsmouth.

Motion by Ms. Lucas-Burke, and seconded by Mr. Moody, to adopt the following ordinance, and was adopted by the following vote:

"ORDINANCE ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$160,000 FROM THE OFFICE OF THE EXECUTIVE SECRETARY OF THE SUPREME COURT OF VIRGINIA AND APPROPRIATING SAID AMOUNT IN THE FY 2019 GRANTS FUND FOR USE BY THE THIRD JUDICIAL CIRCUIT COURT FOR THE PORTSMOUTH ADULT DRUG TREATMENT COURT."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 335 - Adoption of an ordinance to amend and reordain Chapter 23 of the Code of the City of Portsmouth, Virginia (2006) (Nuisances) by amending Sections 23-1, 23-26, 23-27, and 23-91 through 23-95, and by adding a new Section 23-90, for the purpose of addressing criminal blight on real property.

Background:

- During the 2018 Session the Virginia General Assembly adopted HB 594, which amended the Code of Virginia to expand and modify existing Section 15.2-907.
- Existing Section 15.2-907 authorized localities to require property owners to abate "drug blight" on real property.
- HB 594 expanded Section 15.2-907 to include not just "drug blight" but "criminal blight". "Criminal blight" specifically includes prostitution and the illegal discharge of firearms.
- HB 594 also revised the existing notice process for property owners, clarified that enforcement actions are to be civil proceedings, and authorized localities to seek the additional remedy of judicial revocation of the certificate of occupancy for a structure.

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Discussion:

- Chapter 23 of the Portsmouth City Code (particularly Article V) implemented the prior version of Section 15.2-907 regarding "drug blight".
- The draft ordinance presented for Council consideration would amend Chapter 23 of the City Code to track HB 594's amendments to the Virginia Code.
- Overall, the amendment provides the City another set of tools to address "problem" properties, particularly commercial properties, which are a regular source of crime within the community.
- The amendments provide that, where there are repeated instances of illegal drug activities, prostitution, or the discharge of firearms on a property, the City will have the right to notify the property owner that corrective action is required to abate the illegal activity. Corrective action may include taking specific actions regarding the property or changing policies, practices or procedures related to the property.
- The property owner will have 30 days from the receipt of notice (with a possible additional 30 day extension) to undertake corrective action in good faith.
- If the property owner fails to undertake corrective action in good faith, then after an additional notice the City may (a) in certain circumstances undertake the corrective action itself or (b) file a civil action to obtain a court order either requiring the owner to undertake corrective action or judicially revoking the certificate of occupancy for the structure on the property.
- Further tracking HB 594, the draft City Code amendment provides that a property owner who undertakes corrective action in good faith but does not successfully abate the nuisance requiring the corrective action shall not be penalized.

Financial Impact:

- None.

Staff Recommends:

- Adoption of ordinance.

Next Steps Following Council Action:

- City staff will work to implement the procedures established by the Code amendment.

Motion by Ms. Lucas-Burke, and seconded by Mr. Clark, to adopt the following ordinance, and was adopted by the following vote:

"ORDINANCE TO AMEND AND REORDAIN CHAPTER 23 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) (NUISANCES) BY AMENDING SECTIONS 23-1, 23-26, 23-27, AND 23-91 THROUGH 23-95, AND BY ADDING A NEW SECTION 23-90, FOR THE PURPOSE OF ADDRESSING CRIMINAL BLIGHT ON REAL PROPERTY."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 336 - Adoption of an ordinance accepting \$22,375.40 of federal Asset Forfeiture funds received from the United States Department of Homeland Security and appropriating said amount in the FY 2019 Sheriff's Asset Forfeiture Fund for use by the Sheriff's Office.

Background:

- The Portsmouth Sheriff's Office receives Federal Asset Forfeiture Funds from the division of Customs and Border Patrol of Homeland Security.

Discussion:

- The funds allow the Sheriff's Office to purchase law enforcement equipment, make improvements to the Jail, purchase computer equipment, and other items necessary within the guidelines set forth in the Equitable Sharing Guide.

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Financial Impact:

- There is no negative financial impact incurred by the City of Portsmouth.

Staff Recommends:

- Adoption of an ordinance.

Next Steps Following Council Action:

- The Finance Department will make the necessary budgetary adjustment. In addition, the Sheriff or his designee will provide asset forfeiture management and oversight.

Motion by Mr. Smith, and seconded by Ms. Psimas, to adopt the following ordinance, and was adopted by the following vote:

“ORDINANCE ACCEPTING \$22,375.40 OF FEDERAL ASSET FORFEITURE FUNDS RECEIVED FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID AMOUNT IN THE FY 2019 SHERIFF’S ASSET FORFEITURE FUND FOR USE BY THE SHERIFF’S OFFICE.”

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 337 - Adoption of an ordinance accepting \$17,269.84 of federal Asset Forfeiture funds received from the United States Drug Enforcement Administration and appropriating said amount in the FY 2019 Sheriff’s Asset Forfeiture Fund for use by the Sheriff’s Office.

Background:

- The Portsmouth Sheriff’s Office receives Federal Asset Forfeiture Funds from the Drug Enforcement Administration.

Discussion:

- Allows the Sheriff’s Office to purchase law enforcement equipment, donate funds to the Drug Court, make improvements to the Jail, purchase computer equipment, purchase anti-drug coloring books and crayons for school kids, and other items necessary within the guidelines set forth in the Equitable Sharing Guide.

Financial Impact:

- There is no negative financial impact incurred by the City of Portsmouth.

Staff Recommends:

- Adoption of an ordinance.

Next Steps Following Council Action:

- The Finance Department will make the necessary budgetary adjustment. The Sheriff or his designee will provide asset forfeiture management and oversight.

Motion by Ms. Lucas-Burke, and seconded by Mr. Clark, to adopt the following ordinance, and was adopted by the following vote:

“ORDINANCE ACCEPTING \$17,269.84 OF FEDERAL ASSET FORFEITURE FUNDS RECEIVED FROM THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION AND APPROPRIATING SAID AMOUNT IN THE FY 2019 SHERIFF’S ASSET FORFEITURE FUND FOR USE BY THE SHERIFF’S OFFICE.”

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

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18 - 338 - Adoption of an ordinance to accept \$78,079.87 received via the Circuit and General District Courts and to appropriate said amount in the FY 2019 General Fund for use by the Sheriff's Office for items needed to support the Sheriff's Office Training Academy.

Background:

- The Portsmouth Sheriff's Office receives a fee from Circuit Court and General District Court for use by the Sheriff's Office Training Academy, pursuant to Section 9.1-106 of the Code of Virginia of 1950, as amended.

Discussion:

- The funds allow the Sheriff's Office to purchase needed items to support the Sheriff's Office Training Academy. These funds are also used to pay the stormwater fees and other maintenance costs for the Sheriff's Office Training Academy.

Financial Impact:

- There is no negative financial impact incurred by the city of Portsmouth.

Recommended Action:

- Adoption of the ordinance.

Next Steps Following Council Action:

- The Finance Department will make the necessary budget adjustment. In addition, the Sheriff or his designee will provide management and oversight.

Motion by Mr. Clark, and seconded by Mr. Smith, to adopt the following ordinance, and was adopted by the following vote:

"ORDINANCE TO ACCEPT \$78,079.87 RECEIVED VIA THE CIRCUIT AND GENERAL DISTRICT COURTS AND TO APPROPRIATE SAID AMOUNT IN THE FY 2019 GENERAL FUND FOR USE BY THE SHERIFF'S OFFICE FOR ITEMS NEEDED TO SUPPORT THE SHERIFF'S OFFICE TRAINING ACADEMY."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 339 - Adoption of an ordinance accepting funding from the Virginia Department of Social Services in the amount of \$1,500 and appropriating said amount in the FY 2019 Social Services Fund for use by the Department of Social Services for the Family Partnership Meeting Incentive Program.

Background:

- Family engagement is a relationship focused approach, that provides structure for decision making and empowers both the family and community in the decision making process. Meetings are held for all decisions involving prevention of placement in very high and high risk CPS families, prior to a child's removal from a birth or adoptive family, prior to a change of placement, and prior to a change of goal.
- Family Partnership Meetings can be convened at any time in the process of service provision. They may be requested by the birth, foster or adoptive family, legal guardian, or by agency staff.

Discussion:

- Family Partnership Meeting (FPM) Incentive Funds are to assist with costs for local staff expenses associated with conducting FPMs such as payments to trained facilitators for conducting FPMs, search activities to locate and include family members, and payments to coaches to serve as internal facilitators.
- Funds allow for the purchase of tangible items used to support the FPM process (such as laptops, printer, flip charts, etc.). FPM funds are also utilized to support family participation in the FPMs. Allowable expenses include transportation for family members to and from FPMs and child care provided during FPMs.

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Financial Impact:

- A local match is required. The local match is 15.5%. The local match is available in the Portsmouth Department of Social Services FY 2019 Budget.

Recommended Action:

- Adoption of the ordinance.

Next Steps Following Council Action:

- The Finance Department will make the appropriate budget adjustments.

Motion by Mr. Moody, and seconded by Mr. Smith, to adopt the following ordinance, and was adopted by the following vote:

"ORDINANCE ACCEPTING FUNDING FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES IN THE AMOUNT OF \$1,500 AND APPROPRIATING SAID AMOUNT IN THE FY 2019 SOCIAL SERVICES FUND FOR USE BY THE DEPARTMENT OF SOCIAL SERVICES FOR THE FAMILY PARTNERSHIP MEETING INCENTIVE PROGRAM."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 340 - Adoption of an ordinance accepting an Employment for TANF Participants grant in the amount of \$122,269.64 from the Virginia Department of Social Services and appropriating said funds in the FY 2019 Grants Fund for use by the Department of Social Services to assist TANF participants with preparing to enter the workforce and maintaining employment.

Background:

- Virginia First Cities proactively pushed, and the General Assembly passed, a budget line item for \$7.5 million to assist Virginia local governments with efforts to promote community wealth building through non-siloed approaches in order to address issues of systemic poverty. As a result, the Virginia Department of Social Services created a Request for Application (RFA) for the Employment for TANF Participants grant.
- The grant is designed to assist participants of Temporary Assistance for Needy Families (TANF), in preparing to enter the workforce and maintaining employment, with the prospect of a career path and wage growth.
- The intent is to provide resources to expand and enhance existing service delivery efforts to address more fully the needs of the target population prior to their entry into work and during employment.
- The eligible population includes current or former TANF clients - including those with multiple barriers to becoming employed.

Discussion:

- In 2018, The Department of Social Services was awarded a grant totaling \$163,026.19 from the Virginia Department of Social Services (VDSS) for the Employment for TANF Participants Grant. The grant is renewable for up to two more years at the same amount.
- VDSS is responsible for 75% of the grant (\$122,269.64), and the department is responsible for 25% (\$40,756.55). The department's portion is provided through in-kind services equaling to \$28,467.60 and a cash match of \$12,288.95.
- The stipulations of this grant prohibit the Local Departments of Social Services (LDSS) from providing any direct services, therefore PDSS will need to contract with an outside service provider.
- The proposed grant submitted by the PDSS was designed to address the barriers that would hinder our citizens in obtaining viable employment. The PDSS intends to concentrate efforts in the areas of client skills building, job placement and transportation support.

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- The program will ensure participants are connected to resources designed to improve low education levels as well as to provide onsite support for basic reading, writing and math skills. The program will consist of an intensive job readiness component, to include soft skills training, and job placement. The goal of the program is to increase longevity of employment in jobs with wages that are above the minimum wage.
- This request is for the FY 2019 renewal.

Financial Impact:

- The grant requires a 25% cash/in-kind match totaling \$40,756.55. PDSS is providing an in-kind match of \$28,467.60 and a cash match of \$12,288.95. The cash and in-kind matches are budgeted as part of the FY 2019 PDSS Budget. Once approved, the cash match will be transferred from the Social Services Fund to the Grants Fund; thereby, reducing the Social Services Fund by said amount.

Recommended Action:

- Adoption of the ordinance.

Next Steps Following Council Action:

- Finance will make the appropriate budget adjustments.

Motion by Ms. Lucas-Burke, and seconded by Mr. Clark, to adopt the following ordinance, and was adopted by the following vote:

“ORDINANCE ACCEPTING AN EMPLOYMENT FOR TANF PARTICIPANTS GRANT IN THE AMOUNT OF \$122,269.64 FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES AND APPROPRIATING SAID FUNDS IN THE FY 2019 GRANTS FUND FOR USE BY THE DEPARTMENT OF SOCIAL SERVICES TO ASSIST TANF PARTICIPANTS WITH PREPARING TO ENTER THE WORKFORCE AND MAINTAINING EMPLOYMENT.”

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 341 - Adoption of an ordinance accepting an Emergency Food and Shelter National Board Program Grant in the amount of \$5,891.50 from the Department of Homeland Security and appropriating said sum in the FY 2019 Grants Fund for use by the Department of Social Services to assist Portsmouth citizens who have emergency shelter or utility needs.

Background:

- The EFSP was established on March 24, 1983, with the signing of the "Jobs Stimulus Bill," Public Law 98-8. That legislation created a National Board chaired by the Federal Emergency Management Agency (FEMA) that consisted of representatives from the American Red Cross, Catholic Charities USA, National Council of Churches of Christ in the USA, the Jewish Federation of North America, The Salvation Army, and United Way Worldwide.
- The EFSP is a restricted federal grant. EFSP funding is awarded through the Department of Homeland Security. The National Board encourages Local Boards, or decision-making local bodies, to place special emphasis on identification of and assistance to the elderly, families with children, Native Americans and veterans.
- EFSP is governed by a National Board that selects jurisdictions for funding. Local Boards are convened in those qualifying jurisdictions to determine the highest need and best use of funds and to select Local Recipient Organizations (LROs) that will provide emergency food and shelter services. Each year, needs are to be assessed in an effort to respond to changes in the community.
- The Portsmouth Department of Social Services (PDSS) has been selected as a Local Recipient Organization to participate in Phase 35 of the Emergency Food and Shelter Program.

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Discussion:

- The grant provides \$5,891.50 to assist Portsmouth citizens who have emergency shelter or utility needs.
- Individuals must meet established program criteria and have income that does not exceed 200% of the Federal Poverty Level.

Financial Impact:

- There is no financial impact to the city because the program is funded 100% by the grant.

Recommended Action:

- Adoption of the ordinance.

Next Steps Following Council Action:

- Finance will complete the necessary budget adjustment.

Motion by Mr. Smith, and seconded by Ms. Lucas-Burke, to adopt the following ordinance, and was adopted by the following vote:

"ORDINANCE ACCEPTING AN EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM GRANT IN THE AMOUNT OF \$5,891.50 FROM THE DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID SUM IN THE FY 2019 GRANTS FUND FOR USE BY THE DEPARTMENT OF SOCIAL SERVICES TO ASSIST PORTSMOUTH CITIZENS WHO HAVE EMERGENCY SHELTER OR UTILITY NEEDS."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 342 - Adoption of an ordinance accepting a Green Streets, Green Jobs, Green Towns (G3) grant in the amount of \$30,000 from the Chesapeake Bay Trust and appropriating said amount in the VPDES Permit Compliance line item of the Stormwater Category of the FY 2019 Capital Improvement Fund for the implementation of the Court Street Green Street project.

Background:

- The Chesapeake Bay Trust Green Streets, Green Jobs, Green Towns (G3) Grant Program provides funding to help communities develop and implement plans that reduce stormwater runoff, increase the number and amount of green spaces in urban areas, improve the health of local streams and the Chesapeake Bay, and enhance quality of life and community livability.
- The City of Portsmouth is required to implement water quality projects as part of the permit for its municipal separate storm sewer system (MS4).
- The Stormwater CIP, specifically VPDES Permit Compliance, provides funds to address MS4 permit related requirements.

Discussion:

- City staff applied for the Court Street Green Street Project which will reduce the pavement width on Court Street from London Boulevard to Crawford Parkway and use low-impact development techniques for stormwater management.
- The reduction in pavement width on Court Street has been discussed as part of the Downtown Master Utility Project that includes this roadway segment.
- The Court Street Green Street Concept Plan is aligned with the sustainability concepts envisioned in the Build One Portsmouth Plan (Comprehensive Plan Update).
- The City of Portsmouth was previously awarded \$34,086 to apply towards the Concept Plan. This award will go toward preliminary design.
- Once constructed the "green street" will provide the City credit towards its MS4 Permit. The "green street" will also serve as an asset amenity for the neighborhood.
- City staff has surveyed the Olde Towne Civic League and will discuss the Concept Plan with them prior to preliminary engineering.

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Financial Impact:

- There is no local match required for this grant.

Recommended Action:

- Adoption of the ordinance.

Next Steps Following Council Action:

- Sign the grant agreement from the Chesapeake Bay Trust.

Motion by Ms. Psimas, and seconded by Mr. Clark, to adopt the following ordinance, and was adopted by the following vote:

“ORDINANCE ACCEPTING A GREEN STREETS, GREEN JOBS, GREEN TOWNS (G3) GRANT IN THE AMOUNT OF \$30,000 FROM THE CHESAPEAKE BAY TRUST AND APPROPRIATING SAID AMOUNT IN THE VPDES PERMIT COMPLIANCE LINE ITEM OF THE STORMWATER CATEGORY OF THE FY 2019 CAPITAL IMPROVEMENT FUND FOR THE IMPLEMENTATION OF THE COURT STREET GREEN STREET PROJECT.”

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

18 - 343 - Adoption of a resolution authorizing and supporting submission of a SMART SCALE application for the City of Portsmouth Railroad Crossing Message Signs Project.

Background:

- SMART SCALE is the result of an intensive collaborative effort by the Commonwealth to bring localities and regional bodies across the state together to develop an outcome-based scoring system for transportation projects.
- Localities, public transit operators, and metropolitan planning organizations submit projects for scoring through the SMART SCALE process.
- Projects are objectively scored according to various key factors.

Discussion:

- The Virginia Department of Transportation and Commonwealth Transportation Board are accepting SMART SCALE applications.
- Increased activity at the Portsmouth Marine Terminal will result in longer and more frequent trains traveling through southern Portsmouth.
- The Portsmouth Railroad Crossing Message Signs Project will relieve congestion by alerting motorists to train activity and allowing motorists to take alternate routes instead of idling at railroad crossings.
- The railroad crossings included in this project are High Street at Virginia Ave, Frederick Blvd at I-264, George Washington Highway near Frederick Blvd and Elm Ave near Navy Gates 29 and 36.
- This project supports one of our main Economic Development areas (Midtown) and supports one of our key federal partners (the Navy).

Financial Impact:

- The estimated project cost is \$753,699.
- The City is requesting funds for construction in this application.
- The funding in the application is \$570,000.
- Existing CIP and operating funds are being used for the design.

Recommended Action:

- Adoption of the Resolution

Next Steps Following Council Action:

- Submit resolution to VDOT.

1. Mark Geduldig-Yatrofsky, P. O. Box 50141, spoke in support of this item.

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Motion by Mr. Moody, and seconded by Mr. Smith, to adopt the following resolution, and was adopted by the following vote:

"RESOLUTION AUTHORIZING AND SUPPORTING SUBMISSION OF A SMART SCALE APPLICATION FOR THE CITY OF PORTSMOUTH RAILROAD CROSSING MESSAGE SIGNS PROJECT.

WHEREAS, under the SMART SCALE program localities, public transit operators and regional bodies can submit applications to the Virginia Department of Transportation and the Commonwealth Transportation Board for the funding of transportation projects; and

WHEREAS, several railroad crossings intersect major streets in Portsmouth; and

WHEREAS, increased activity at the Portsmouth Marine Terminal will result in longer and more frequent trains traveling through Portsmouth; and

WHEREAS, the City has therefore developed plans for a Railroad Crossing Message Signs Project (the "Project"); and

WHEREAS, the Project will relieve traffic congestion by alerting motorists of train activity, thereby allowing motorists to take alternate routes rather than idling at railroad crossings; and

WHEREAS, the railroad crossings included in the Project are: High Street at Virginia Avenue; Frederick Boulevard at I-264; George Washington Highway near Frederick Boulevard; and Elm Avenue near Naval Shipyard Gates 29 and 36; and

WHEREAS, in addition to supporting all drivers on Portsmouth roads, the Project will provide particular support to one of the City's major economic development areas (Midtown) and one of the City's key federal partners (the Navy); and

WHEREAS, the estimated Project cost is \$753,699; and

WHEREAS, the City proposes to submit an application for SMART SCALE funding in the amount of \$570,000;

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

1. That the City Council hereby authorizes and supports the submittal of an application for SMART SCALE funding in the amount of \$570,000 for the Portsmouth Railroad Crossing Message Signs Project.

2. That the City Manager and/or her designee(s) are authorized to execute such documents as are necessary or desirable in support of the application and any funding received as a result thereof."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe

Nays: None

- New Business -

18 - 344 - Boards and Commissions

There were no appointments.

➤ Mr. Moody informed citizens of the reactivation of the Towing Advisory Board and asked anyone interested in volunteering to fill out a Boards and Commissions application.

August 28, 2018

18 - 345 - Items Submitted by Council Members

Motion by Mr. Moody, and seconded by Mr. Smith, to add an item to the agenda, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe
Nays: None

Motion by Mr. Moody, and seconded by Ms. Psimas, to amend the contracts of the City Manager and City Attorney to clarify the terms related to deferred compensation, specifically by adding the following language as the last sentence of the section of each contract entitled "salary"; "for the purpose of calculating all benefits, including retirement benefits, the City shall include the annual deferred compensation, the annual automobile allowance, and the annual general expense allowance that the City pays employee as set forth in this agreement as part of the employee's total salary", and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Whitaker, Rowe
Nays: None

- Ms. Psimas informed citizens and City Council of the following upcoming events:
- Congratulated the Museum and Fine Arts Commission on a successful 48th Annual Seawall Arts Show.
 - Crawford Gateway Revitalization Strategy update, 6-7:15 p.m., Wednesday, August 29, 2018 at the Bide-A-Wee Pavilion.
 - Police Department Lip Sync Challenge video premiere, 11 a.m., Thursday, August 30, 2018 at the Commodore Theater.
 - Sunset Thursday, 6:30 p.m. - 9 p.m. at High Street Landing.
 - Monday, September 3, 2018, trash collection will be rescheduled for Wednesday, September 5, 2018.
 - Remembrance Ceremony, Tuesday, September 11, 2018 in the City Council Chamber.

18 - 346 - Report on Pending Items

There were no pending items.

18 - 347 - Non-Agenda Speakers

1. Jack Neely, 15 Warden Place, spoke on the National Rifle Association (NRA) School Shield program.
2. Donna Sayegh, 3104 Garland Drive, voiced her concern with the Crawford Gateway Revitalization Strategy.
3. Juanita Jones, 1505 Parker Avenue, informed citizens and City Council of the Virginia Education Association Bronze Award for Community Service given to the Portsmouth Education Association.

On motion, meeting adjourned at 7:49 p.m.

Minutes prepared by:

Anita Y. Sherrod
Chief Deputy City Clerk

August 28, 2018

APPROVED -

John L. Rowe, Jr.
Mayor

Debra Y. White, CMC/AE
City Clerk

September 10, 2018

At a Called Meeting of the City Council on Monday, September 10, 2018, there were present:

Mayor John L. Rowe, Jr., Vice Mayor Elizabeth M. Psimas, William E. Moody, Jr., Ray A. Smith, Sr., *Dr. Mark M. Whitaker, Nathan J. Clark, Lisa L. Lucas-Burke, City Manager Dr. L. Pettis Patton, City Attorney Solomon H. Ashby, Jr.

18 - 351 - The Mayor called the meeting to order and welcomed all in attendance:

"Please attend a Called Meeting of the City Council to be held in the City Council Chambers, 801 Crawford Street, 6:00 p.m., Monday, September 10, 2018 for the purpose of a Public Work Session.

In addition, you may consider a motion to go into a Closed Meeting.

By order of the Mayor."

18 - 352 - The following items were discussed in Public Work Session:

1. Emergency Management Operations - Chief Jim Hoffler, Portsmouth Fire Department
 2. Hurricane Florence Strategic Planning - Captain Justin Arnold, Portsmouth Fire Department and Pamela Little-Hill, Director of Social Services
 - School Superintendent Dr. Bracy and Lawrence Whiting, Director of Auxiliary Services, provided an update on school availability, food services and transportation. School closures will be announced by September 11, 2018.
 3. Public Works/Street & Highways Preparation - Youssef Khalil, Director of Public Works
 - Mayor Rowe inquired about sand bags for citizens and business owners. City Manager Patton will look into the availability of the empty bags.
 - Mayor Rowe opened the floor to citizens. Mark Gelduldig-Yatrofsky inquired about the penalties for failure to evacuate in a mandatory zone and the time frame for returning. Captain Arnold informed citizens that while there are no legal penalties, emergency services will be limited and eventually not be available to them if they choose not to evacuate and returning to your home will begin as soon as it is safe.
 4. Public Utilities & Waste Management Update - Erin Trimyer, Director Public Utilities
 5. Pet Sheltering and Service Animals - Solomon Ashby, City Attorney
 6. Communications - LaVoris Pace, Deputy City Manager
 - Hurricane Help Desk line is 757-407-9143 from 8:00 a.m. to 9:00 p.m.
 - Mayor Rowe opened the floor to citizens. Cecilia Kelly inquired about reporting power outages and down lines. Councilman Smith informed citizens to report all outages directly to Dominion Power.
- Mayor Rowe provided an update on the conference call with the Governor and expressed the seriousness of this storm.
- Vice Mayor Psimas inquired about the impact should the hurricane take the western track. Captain Arnold informed Council that we should still expect tropical storm strength winds and downed trees.

Motion by Ms. Psimas, and seconded by Mr. Moody, to cancel and postpone Tuesday, September 11, 2018 work session and council meeting to the next scheduled meeting on Tuesday, September 25, 2018.

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Whitaker, Rowe
Nays: Smith

On motion, meeting adjourned at 6:50 p.m.

September 10, 2018

APPROVED -

John L. Rowe, Jr.
Mayor

Keia D. Waters, CMC
Senior Deputy City Clerk

*Councilman Mark M. Whitaker arrived at 6:01 p.m.