



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Council Approved Minutes - Final City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Eleanor Weston Brown
Councilmember Steven L. Brown
Councilmember Linda D. Curtis
Councilmember W.H. "Billy" Hobbs
Councilmember Chris Snead

STAFF: Mary Bunting, City Manager
Cheran Cordell Ivery, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, December 12, 2018

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present. The City Manager, Mary Bunting, was unable to be present due to a very important conflicting meeting so Steven Bond, Assistant City Manager, sat in her place.

Present: 7 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilmember Eleanor Weston Brown

Councilwoman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck recognized Vivian Griese, the Visual and Performing Arts Curriculum Leader for Hampton City Schools, who announced and introduced this year's holiday card contest winners:

1. Commanding General's Residence

Artwork by Maggie Leddy
11th grade Kecoughtan High School
Art Teacher: Ms. Madeline Brewer

2. Freedom's Fortress
Artwork by Jacob Boisvert
12th grade Kecoughtan High School
Art Teacher: Mr. Shaun Redd

3. The Chapel of the Centurion
Artwork by Cristian Lewis
12th grade, Bethel High School
Art Teacher: Ms. Rachel Lehner

4. The Stone Walls and Moat
Artwork by Jonathan Blount
10th grade, Phoebus High School
Art Teacher: Mr. Chris Hakanson

5. Chamberlin Hotel
Josiah Ryan Crews
10th grade, Hampton High School
Art Teacher: Ms. Kim Small

The holiday card contest winners were photographed with the members of Council. The winners' family members, teachers and school administrators also stood to be recognized.

CONSENT AGENDA

Clerk of Council, Katherine Glass, read the protocol for the Consent Agenda.

1. [18-0387](#) Resolution to accept and approve an in-kind gift from Sentara CarePlex Hospital to Hampton Division of Fire & Rescue of the application PulsePoint Respond which will improve the survival rate of cardiac arrest victims in our city by reducing the collapse-to-CPR/defibrillation times and increase citizen awareness of cardiac events

Attachments: [FC Monk's Memo](#)
[Gift Announcement](#)
[Sentara PulsePoint Inv.](#)

The Clerk read the title for this item.

Mr. Bond introduced the item and provided background information.

This item was pulled from the consent agenda to allow Jason Monk, Interim Fire Chief, to recognize Sentara Careplex for their generous gift. He then introduced Kapua Conley, the President of Sentara Careplex, who gave brief remarks.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Resolution-Budget be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Approval of the Consent Agenda

The Clerk read a summary of the remaining consent items.

Motion made by Councilmember Curtis, seconded by Councilmember Snead, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

2. [18-0160](#) Resolution of the Hampton City Council in support of the Hampton Roads Planning District Commission (HRPDC) Resolution Supporting Offshore Wind Development off the Coast of Virginia

Attachments: [OFF SHORE WIND RESOLUTION SUPPORTING DOCUMENTS 11-16-18](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

3. [18-0379](#) Resolution to Approve the Second Addendum to the Agreement for Construction and Relocation of Bridge Street Vent and Rehabilitation of Bridge Street Siphons Between the Hampton Roads Sanitation District and the City of Hampton, Virginia; (ii) Authorize the City Manager or Her Designee to Execute the Same; and to (iii) Appropriate the Sum of \$30,835.10 to be Received by the City to the Miscellaneous Revenue Account of the Capital Project Funds

Attachments: [HRSD Bridge Street Addendum #2](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [18-0380](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to Innovative Developments, LLC, Into an Area of Public Right-of-Way Known as Hobson Avenue for a Private Water Line Comprising 750 Square Feet, More or Less.

Attachments: [Encroachment Agreement](#)

[Exhibit A](#)

[Power Point](#)

[Insurance certificate](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [18-0350](#) Resolution Approving the Fiscal Year 2018 Year End Budget Adjustments and Fiscal Year 2019 First Quarter Budget Adjustments

Attachments: [FY18 Year End Budget Adjustments](#)
[FY19 First Quarter Budget Adjustments](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

6. [18-0376](#) Resolution Authorizing the Appropriation of \$203,389 in Fiscal Year 2018 State Carryover Funds for the School Operating Fund of the School Board of the City of Hampton, Virginia to Offset the Impact of Fiscal Year 2019 State Revenue Adjustments

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

7. [18-0360](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2018 State Homeland Security Program Grant through the Virginia Department of Emergency Management for Hampton & Poquoson Regional Community Emergency Response Team (CERT)

Attachments: [Application](#)
[Grant Award Letter](#)
[Grant Routing Form and Grant Overview Proposal](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

8. [18-0370](#) Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Federal Emergency Management Agency Hazard Mitigation Grant Program (FEMA) through the Virginia Department of Emergency Management (VDEM)

Attachments: [Paperwork for 2016 Pump Station Application](#)
[Grant Award Letter](#)
[Grant Routing Form and Grant Proposal Overview](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

9. [18-0384](#) Resolution Approving the City of Hampton, Virginia's Acceptance and Appropriation of the FY2018 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BAJ)

Attachments: [Award Letter](#)
[Grant Proposal and Routing Combined](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

10. [18-0389](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2017 Continuum of Care (CoC) Planning Project Grant through the U. S. Department of Housing and Urban Development (HUD)

Attachments: [CoC Planning Letter FY17 - HUD.PDF](#)
[CoC Planning Grant Agreement 17.pdf](#)
[Grant Proposal CoC Planning 2017.PDF](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

11. [18-0378](#) Resolution to Accept and Appropriate FY2018 Port Security Grant Program Funding Awarded by The Department of Homeland Security for The City of Hampton Police Division's Maritime Response Vessel Sustainment Project

Attachments: [Grant Proposal and Routing Form Combined](#)
[Award Letter](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

12. [18-0381](#) Resolution to Accept and Appropriate the FY 2018 State Homeland Security Program Grant Funding Awarded by The Virginia Department of Emergency Management for the City of Hampton Police Division's Regional Underwater Remotely Operated Vehicle

Attachments: [HamptonPoliceDivision_SHSP_SubawardAgreement_7946](#)
[Grant Proposal and Routing Combined](#)
[FY2018 DHS Standard Terms and Conditions Version 8.1 - Dated 04-09-201833](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

13. [18-0382](#) Resolution to Amend the Fiscal Year 2019 Council Approved Budget and Accept and Appropriate the 2019 Virginia Domestic Violence Victim Fund Grant ("DVVF Grant") Awarded by the Virginia Department of Criminal Justice Services to the City of Hampton, Virginia

Attachments: [Grant Application](#)
[Itemized Budget](#)
[Grant Overview](#)
[Grant Routing](#)
[Fringe Benefits](#)
[Future Funding](#)
[Approval Emails](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

14. [18-0383](#) Approval of the Minutes from the Legislative Session of November 14, 2018

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

15. [18-0390](#) Resolution in Recognition of Ralph W. Shelman

WHEREAS, Hampton resident, Ralph W. Shelman, is being recognized for the contributions he has made to our community by providing independent living services to those with disabilities;

WHEREAS, Mr. Shelman earned a B.S. degree in History Education from Hampton Institute, a M.A. degree in Rehabilitation Counseling from Virginia Commonwealth University, and completed post graduate coursework in Gerontology at Hampton University;

WHEREAS, he has been a visiting lecturer on disability issues at Christopher Newport College, Thomas Nelson Community College and Hampton University;

WHEREAS, he is the founder of Insight Enterprises, Inc., an agency located in the City of Hampton that provides independent living services to people with disabilities;

WHEREAS, he is the co-founder of the Africa, African-American Disability Project, a Pan-African disability organization that provided consultant services to countries in Africa for several years;

WHEREAS, Mr. Shelman has been appointed by five Virginia Governors to various boards and commissions, serving as: Chair of Virginia's Council on Independent Living; a member of the Disability Services Council; a member of Virginia Board for Rights of People with Disabilities; and Chair of the Board of the Virginia Birth-Related Neurological Injury Compensation Fund;

WHEREAS, he has served as Chair of the Multi-Cultural Committee of the National Council on Independent Living; a member of the President's Advisory Committee on Disabilities under President Bill Clinton; and a member of Hampton Mayor's Committee

for People with Disabilities;

WHEREAS, Mr. Shelman is recognized throughout Virginia and the United States as a leader in the disability community, having been involved in the passage of the Americans with Disabilities Act; the Virginians with Disabilities Act; and the development of other disability related laws and policies, such as the Statewide Personal Assistant Services Program for People with Disabilities; and the passage of policies to provide increased accessibility in the Virginia Transit System, including the installation of wheelchair lifts on buses;

WHEREAS, he co-chaired the Coalition for the Preservation of the Virginia School for the Deaf and Blind at Hampton, his alma mater; and

WHEREAS, local churches and faith-based organizations wishing to increase their ministries to members of the disability community frequently request that he provide seminars offering information about services to the disability community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hampton, Virginia, that Ralph W. Shelman be, and hereby is, awarded the Hampton Distinguished Citizen Award for the contributions he has made to the City of Hampton and society.

Mayor Tuck read the resolution for the record and then called Mr. Shelman forward where he was presented with the Hampton Distinguished Citizen Medal and a framed copy of the Resolution. Mr. Shelman was photographed with the members of Council. He also gave remarks and thanked the City for making a difference and supporting the lives of people with disabilities.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Steven Brown, that this Resolution be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PUBLIC HEARINGS

The Clerk read the protocol for Public Hearings.

Use Permits

16. [18-0371](#) Use Permit Application No. 18-00006: by H&S Development Group to permit a commercial communication tower at 700 Greenlawn Avenue [LRSN: 1007652]

Attachments: [Conditions](#)
[Application](#)
[Comm Tower Supplement](#)
[Narrative](#)
[Propagation Maps 1](#)
[Propagation Maps 2](#)
[Intermod](#)
[Structural Report](#)
[NIER](#)
[Site Plan](#)
[Staff Report](#)
[Presentation](#)
[Planning Commission Resolution](#)

Assistant City Manager Steve Bond introduced the item and called upon City Planner Lucy Stoll to give the presentation.

Ms. Stoll provided information about the use permit application including the location of the subject property, zoning and the Future Land Use Plan as it relates to this permit.

Ms. Stoll shared the categories that make up the hierarchy of preferred sites in the Public Policy. She explained that this application falls under the “Large industrial sites and parks” category, the third category on the hierarchy list.

Ms. Stoll shared information about some of the other sites that were considered for this project.

Ms. Stoll spoke about the City’s Future Land Use Plan, Community Plan and outdoor advertising as they relate to this application.

Ms. Stoll stated staff considered whether there was a need for a new communication tower. She then reviewed several maps which depict various tower bandwidth coverage levels.

Ms. Stoll stated our Public Policy encourages the location of new communication towers on preferred sites through the implementation of the standards and procedures in our hierarchy plan. This proposal is high on the hierarchy of

preferred sites and is in a zoned area which is appropriate for a commercial communication tower.

Ms. Stoll provided information about the applicant's proposal including information about the tower and landscaping around the tower.

Ms. Stoll shared some of the conditions associated with the application including carriers, tower height, conceptual site plan, fencing, landscaping, and tower removal.

Ms. Stoll stated staff and the Planning Commission recommend approval of the application.

The applicant, C.E. Forehand of H&S Development Group, made brief remarks and opened the floor for questions from those on the dais. No questions were posed.

Mayor Tuck opened the Public Hearing. As there were no speakers, he closed the Public Hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Use Permit be approved with twelve (12) conditions. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Ordinances

17. [18-0375](#) Ordinance To Amend And Re-Enact Chapter 10 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Signs" By Amending Section 10-18 Pertaining to Phoebus Business (PH-1) District Sign Regulations

Attachments: [Redline](#)
[Referenced Sec.10-5](#)
[Presentation](#)
[Planning Commission Resolution](#)

The Clerk read the title for the item.

Assistant City Manager Bond introduced the item and called upon Planning and Zoning Administrative Manager Michael Hayes to give the presentation.

Mr. Hayes presented a map of the Phoebus Business District (PH-1). He reminded everyone that the Master Plan adopted for this area is pedestrian oriented and that regulations are in place with the intent to enhance the historic character of the district.

Mr. Hayes stated the current ordinance prohibits all freestanding signs; however, there are exceptions that exist in the ordinance that were not included for the Phoebus District. They include allowance for signage for drive-thru's, public art installations and outdoor dining.

Mr. Hayes stated staff and the Planning Commission recommend approval of this zoning ordinance amendment. He opened the floor for questions from those on the dais. No questions were posed.

Mayor Tuck opened the Public Hearing. As there were no speakers, he closed the Public Hearing and called for the motion.

A motion was made by Vice Mayor Jimmy Gray and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PUBLIC COMMENT

The Clerk read the protocol for the public comment period.

Mr. Ricardo Jones greeted those on the dais and made the following statement: I've been a resident since 1976. I love this City and I'm here to give you guys the opportunity to do something for our nation. I'm here because the way I was raised is "See something, say something". Well, I'm also a retired master firefighter from the city of Newport News and we have a saying. "See something, do something". We would rather get in trouble for doing something than doing nothing. What I would like the City to do is to send this message out to the nation - We as citizens can do something to help our children at school bus stops. Rather than complain and look for funding for cameras and this, that, and the other, just turn on your four-way flasher when you come to a stop. Imagine if everybody on the other side of the school bus and on your side of the school bus had their four-way flashers on. This would add to the warning signs as something you can do as a citizen. There is no law saying you can't turn on your four-way flashers. Actually, anytime you come to a stop in the street, you should turn on your four-way flashers. Let people know

you are there. Especially with first responders. As a firefighter, I would see people come to a stop in the middle of the road, run into each other, block intersections, block driveways; they had no idea what to do. I would like the City of Hampton to go out from here to the whole nation and say, hey look, quit complaining. This is something you can do - be proactive. Thank you guys, gals. Merry Christmas.

Ms. Hope Harper greeted those on the dais and made the following statement: I am standing here in support of the resolution to support the ratification of the Equal Rights Amendment (ERA) in the State of Virginia and I just wanted you guys to know that Virginia has the opportunity to be the 38th state to ratify the ERA thus making history because when you would like to make an amendment to the Constitution, you need 3/4ths of the states to approve it, that's 38. So, right now, we are in competition with North Carolina, Arizona, and others to become the 38th state and make history to ratify the ERA, the Equal Rights Amendment. You all have daughters, you all have granddaughters and their rights should not be violated due to gender or sex. We all know that women's rights are civil rights, right? I beseech you, I beg of you to support, say yes, to this resolution in support of the ratification of Virginia becoming the 38th state to ratify the ERA. I have one other small instruction that I was instructed to tell you by Delegate Jeion Ward who represents the 92nd District here in Hampton. She wanted you guys to know that she does sit on the Select Rules Committee. She will definitely be hearing about this resolution and she said to please don't allow her to sit there and Hampton is not approving this resolution. Thank you very much and good evening.

Ms. Gaylene Kanolton greeted those on the dais and made the following statement: Good evening. My name is Gaylene Kanolton, President of the Hampton Branch of the National Association for the Advancement of Colored People (NAACP). I have two issues I want to speak on real quick. I want to invite everyone to come to our 5th Annual Health Insurance Market Place and (now) Medicaid enroll fest this Friday and Saturday and job fair. It will be at the Hampton Roads Convention Center Friday from 10 a.m. to 6 p.m., and Saturday from 10 a.m. to 4 p.m. For the first time because Medicaid has been expanded, we don't have to turn anyone away. I am very excited about that. Because 5,200 people that we know of in Hampton fall into the gap can now get insurance. So, we want everyone to please come on out for that. I'm also here in support (and our branch is the one who requested the resolution to be brought forth) to ask the Council to please pass the resolution on the ERA. We are fortunate to have two female attorneys up here. I don't have to tell them that because they already know this - that is, the adoption of the Equal Rights Amendment will give Congress greater Constitutional authority to enact legislation to protect women. Without this legislation, protecting women could be invalidated as happened in 2000 when the Supreme Court struck down the Civil Remedy Provision of Violence against Women Act. Just imagine in 1864 when President Abraham

Lincoln abolished slavery and then in 1865, it was an amendment that went into the Constitution - what if they just said, we don't need to have an amendment, it don't need to be in the Constitution - then we would all be at stake. Well, many of us would be at stake. Women are at stake by not being in the Constitution. This is not only a local, state and federal issue, it is our kitchen table issue. It is our household. We have women in every household. Over 50% of women live in Hampton. Thank you. Please support it and Happy Holidays.

Senator Mamie Locke greeted those on the dais and made the following statement: I'm proud to represent the City of Hampton in the Senate of Virginia where I also sit on the Committee on Rules which will hear this resolution. I was a senior in high school when the ERA was first proposed in 1972 and here I am some 46 years later pleading for equality and inclusion on account of sex. Every level of government (federal, state and local) must embrace the whole of its citizens, not 3/5ths. Each level must do its part in ensuring that women are respected and provided the safeguards of full and total equality under the law through its support of the Equal Rights Amendment. If individual policy makers do not feel an obligation or responsibility to its citizens to be supportive of the inclusion of the ERA in the Constitution, then one has a right to question that policy maker's obligation to the underlying fundamental concepts of justice, equality and civil rights under law. Technically, the last deadline to ratify the ERA passed in 1982; however, Congress has the power to vote to simply extend the deadline after 38 states have passed the ERA; Virginia will be that 38th state in 2019. Permit me to quote a very wise woman, the late, great former Congresswoman Barbara Jordan from Texas on what amending the Constitution means. She stated, and I quote "I felt somehow for many years that George Washington and Alexander Hamilton just left me out by mistake. But, through the process of amendment, interpretation and court decisions, I have finally been included in We the people." Let the ERA, through the support of this City Council, be yet one more step in that inclusion of women in We, the people. There is no statute of limitations on equality and certainly no statute of limitations on the memories of these voters who sit here who would render them voiceless if they do not support the inclusion of the Equal Rights Amendment in the Constitution. I thank you.

Ms. Stacy Shorter greeted those on the dais and made the following statement: I live in the great City of Hampton. I work in the great City of Hampton and I am raising my two girls in the great City of Hampton. I am here to ask you to support the resolution for the ERA. The ERA is going to pass in Virginia. We are going to be the 38th state. When that happens, there is going to be a celebration. It's going to be fantastic. When that happens, I want to say, the great City of Hampton helped make that happen. I want us to have some partial ownership in this wonderful thing - this change that is way past due. So, I'm asking you to support the resolution.

Thank you.

Mr. Andrew Stith greeted those on the dais and made the following statement: I'm not here for the Equal Rights Amendment, but it's a no brainer, they should pass it anyway for all women so we won't be in the doghouse. I usually come here for veterans' issues and different other issues, but I'm here definitely for pleading with the City. I know you all say you don't have any money, but get some type of plan about getting restrooms at each side of the beach. One side has a restroom. The other side doesn't have a restroom - the one over there by the lighthouse. What I'm saying is - I hear my mother, I hear friends of hers and also elderly and also veterans and different other people saying that when they have to use the bathroom, they have to either catch a ride or they have to use the bathroom on themselves before they get there. I'm bringing this up because in the summertime when we are there having a cookout, one of my mother's friends needed to use the bathroom, so we had to get in the car (she was elderly) take her in the car and also take her to the bathroom. The bathroom that was there, I think you all were doing some work to the lighthouse and it was an outhouse and it was taped up. So, I know this is not a big problem, but Parks and Recreation or the City of Hampton needs to do something about it. I know it is very small. Thank you.

Ms. O. Gee Neely greeted those on the dais and made the following statement: I'm here asking you all to support us with the Hampton Fitness Center. We got a notice December 1st that the building was closing and it really is a building to where we are like a family and it really is about the health of the community. A lot of our elderly people are able to go there, not only do we have the doctors that are above, but we also have physical therapy that is right there in the gym. It's a great revenue for the City because a lot of us get together afterwards. We go to Ross. We go to Walmart. We go to BJ's. If we lose this fitness center, we are now going to give our revenue to the city of Newport News. Everything has moved to the city of Newport News especially with the gym that has those accommodations that they have. No other gym in the City of Hampton has the accommodations that that particular gym had. So, I'm just asking you all to please support us and to find a way to help us to where we can keep helping ourselves to stay healthy and make it a community thing. Also, please support the resolution of the ERA. Thank you.

Ms. Shareena Bond greeted those on the dais and made the following statement: I've been in this City since 2008 when I came as a member of the United States Army. I served for seven years and I remained in this community because I loved it and I thought it was a fantastic place to live. However, I've been greatly disappointed in recent years. We have suffered great losses, one of which was Gateway. I'm an I.T. professional. I'm a business systems analyst currently. That was a loss of a place for me to work. As a result, I now have to commute to Virginia

Beach, but I still pay taxes here in the City of Hampton. Most recently, we lost the Hampton Center for Health and Fitness which helped me sustain my health. We have a great gym family. They look out for me. I have people who have helped me. Of course, I'm a disabled veteran as well, so I've had people who have helped me to work out in a safe manner. People who actually cared - that we've established relationships as well as our elderly. We have members who come from Yorktown, from Poquoson, from Newport News, as well as the City of Hampton. But, we have lost that facility. I do not want to go to Planet Fitness. They don't have the same amenities. We don't have anything else here with the safety that the Hampton Center for Health and Fitness provided. We don't have anything else here that provided all of the amenities that the Hampton Center for Health and Fitness provided. So, I ask that you all provide us with another center for health and fitness that provides the same quality of amenities that we (I) have become accustomed to in the past 8 years since that business has been here. In addition, we have lost businesses such as Clarks (that I'm a patron of). We have lost businesses such as Charming Charlie (that I'm a patron of). We have lost a number of other viable businesses from this City and we are left with no other option other than to drive to Newport News. So, it is a great disappointment to me and I do ask that we receive other viable businesses that we all enjoy paying for. Thank you.

Mayor Tuck addressed the concern raised about the health center by reading a statement the City Manager recently gave when she met with individuals who expressed concern about the issue. He also noted that in addition to those who expressed concern in person, the City has received a number of emails since the announcement of the closing of the facility.

Statement from the City Manager: Approximately 6-8 months ago, the owner of Hampton Health and Fitness approached us about renting space at the former Teen Center location. He indicated that his business would need to leave its current location and was hopeful that the City would agree to rent the private business space at the public facility. When we met with Mr. Cusimano, we shared the following: 1. There is a deed restriction on the property that prevents adult fitness use. We had previously tried to get Sentara to release the deed restriction and they had opted not to do so. 2. The Council had already made the decision to make the building a Police Academy as well as to house other police functions such as recruiting. This was done to avoid the purchase of a new building to house the additional space needed by the Police Department. Estimates at the time were that a new facility would cost \$2-\$3 million to purchase and outfit. The repurposing of the underutilized facility (which again could not be used for adult fitness) was thus agreed upon to save the additional taxpayer expense. I stated at the initial meeting with Mr. Cusimano that I did not think a private fitness center could be operated within these police functions. Mr. Cusimano pitched that he thought the private fitness center

could be a symbiotic partner with the Academy and asked that we check with Chief Sult to see if he could support the shared use. We did and Steven Lynch, then Interim Economic Development Director, communicated back to Mr. Cusimano that it would not work many months ago. We explained that it would not work due to the sensitivity of personnel, employee and other police records. The layout of the building would not permit separation of the general public access and the protection of records and office spaces. Moreover, with us keeping the pool open to the public and having to construct protected ingress/egress for this area, all the other space in the building would be used. Knowing this would not be possible, Steven Lynch worked with Mr. Cusimano to consider other Hampton sites. Thus far, Mr. Cusimano has not decided to pursue these opportunities. However, we would be glad to work with him should he wish to re-engage us to keep his business in Hampton. Like you, we value the business in our community. I would welcome the opportunity to further discuss this issue with you and others copied on your initial email (I did not have their email addresses so was unable to include them in this correspondence) if you have other questions or concerns. I have offered to others my willingness to participate in a group meeting at a mutually convenient time if that is desired.

Mayor Tuck explained that some of the members are under the impression that the City is preventing them from going to the former center; however, that is not the case - instead, the center is privately owned. He continued explaining that the City approached the owner about operating in another location in the City; however, that requires putting it out for bid which may result in the owner not being the lowest bidder.

Mr. Bond added that we want the business to be successful in the City; however, the City does not give or lease space to private businesses in public accommodations. He reiterated that the City's Economic Development Department tried to support the business by identifying other locations for the owner to relocate (a service we do to try to keep businesses located in Hampton).

Mayor Tuck added that the City is aware of the loss of businesses and that businesses may choose to reside in other localities; however, Hampton makes every effort to bring businesses to the area and retain the ones it currently has.

GENERAL ITEMS

Ordinances

Resolutions

18. [18-0391](#) Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution

The Clerk read the title for this item.

Assistant City Manager Bond stated that this resolution requests that the 2019 General Assembly ratify the Equal Rights Amendment (ERA) to the United States Constitution as originally proposed by Congress on March 22, 1972. The United States Constitution does not explicitly guarantee equal rights and protections for its sexes. The Equal Rights Amendment provides that equality of rights under law shall not be denied or bridged by the United States, or by any State on account of sex. This amendment will assist in assuring that men and women have the same constitutional protections. Other Hampton Roads localities such as Norfolk, Chesapeake and Virginia Beach have passed similar resolutions in support of the ratification of the ERA.

Councilwoman Curtis made the following comments: Mr. Mayor, I have some questions. I understand that five States that previously passed the Equal Rights Amendment have rescinded their support of it. I would like to know if you are aware of the reasons why that has occurred.

Mayor Tuck stated that he has done some research and read articles on the fact that some did rescind their approval; however, he is unsure of the rationale. He noted that the City Attorney may be able to offer some rationale.

City Attorney Cheran Cordell-Ivery stated that the City Attorney's Office was not consulted with regard to preparing a presentation or background on this resolution; however, in the event Council chooses to defer the item, the City Attorney's Office will conduct the research and provide an in-depth presentation at a later date.

Councilwoman Curtis continued: This is a very important issue. Amending the United States Constitution is a very serious issue. As an attorney, it is something I take very seriously. As a member of this Council, I take consideration of these issues very seriously and I feel like without a presentation, without some history, without some further information about the impact of this on Hampton residents, the potential impact of this on litigation against the City (it would be difficult to proceed). I would just like to have some information about those issues because this is very serious. This is very important. I do not in any way shape or form mean to suggest that this is not important. This is vital. I think our citizens and all of the members of our Council should have a complete understanding of the difference between a Constitutional Amendment and a Virginia Constitution (in) which we have had the ERA for many years in Virginia. I think it's a great opportunity to educate our citizens about the issues surrounding this. Unfortunately, it is not, I don't think, as Mr. Stith said, a no brainer. It's something that a lot of people support. I'm not saying that I don't support it. I'm not saying that at all, but I think that there are a lot

of issues. It's not just "Oh, yeah, let's do that". I feel like we need to have some of those answers and I feel like I would like to have that kind of a presentation. I hate to ask the City Attorney's Office to do that because it's a lot of work, but I think it's a great opportunity to engage our citizens and to educate them about this issue.

Councilwoman Brown made the following comments: Mr. Mayor, I want to thank those who have come today and especially the words from our legislators who have come and shared their views and their representation. I do want to express my concern that we become fully educated on this decision so that we know what our constituents feel. I'm so grateful for those who came today to express their views about it. As Councilwoman Curtis shared, this is a very, very important issue. I for one am very blessed to have had the opportunities that I have had to grow up in Hampton and to become a lawyer. I take that opportunity to heart and I am very appreciative of the opportunities that I have had as a woman growing up and becoming a lawyer in Hampton, Virginia. So, I do want us to be very mindful and knowledgeable about the impact of this decision. I would also say that I am not speaking against the ERA, but only that it's not a simple matter and one that I think we would want to be more fully informed and have a briefing on. So, it might be useful to give more citizens the opportunity to share their views and defer the matter if it would be the will of Council.

Councilman Brown made the following comments: Mayor, thank you. I spoke to quite a few people who have called me about this particular issue. Constituents, I spoke to folks who were favorable of the ERA Amendment. But, I want to speak from a personal point of privilege. My mother who may be watching tonight is 93 years old. Thank God that she is still here. But, she tells me stories - challenges that she faced as a woman growing up through the days of segregation, raising eleven children. I have eight sisters and when I think about my eight sisters, I think about some of the successes that I have been able to have and their support for me as the tenth out of eleven children, which at one time I was called the knee baby. I had eight bossy sisters, but they were protectors. As I think about the rights of women and what women have gone through, the struggles they have faced, I would be remiss tonight if I did not support this ERA Amendment. First of all, I support the right for women to vote. At one time, women could not vote. I support the right for women to grow, to excel, to be educated, to compete dollar for dollar for the same jobs and the same responsibilities as a man. I support the right for women to make choices over their own bodies. I support the right for women to have a part of the American dream and a piece of American hope. Also, I support women because when the Constitution was written, it said we are all equal (all men were created equal). I know during that time, they were speaking specifically about men, but as you look at our women who have evolved, who work very hard, who have made history and are a part of the fabric of America, I certainly would support this. I have

enough information about it. I think it is the right thing to do. So, this Council member will be voting for this Amendment tonight. Thank you.

Councilwoman Snead made the following comments: I have to speak from the heart here, regarding this issue. I've listened to both Councilwomen Curtis and Brown and I still don't know exactly why you want us to defer it? To defer it because you think we need more information? I'd like to hear what type of information you think you need. Is it the implications to Virginia or the implications to the Nation or to the women? All politics is local. It starts here with us. What this resolution is doing tonight is - it is asking our State to vote, to ratify or amend the Constitution. So, all we are doing is a resolution in support. Having been a female and worked in a male environment where I know my pay was not the same as my male counterparts, I certainly understand the rights of women to be able to be paid equally. Even up to today with my daughter and in the position that she currently holds, she is not paid the same as her male counterparts. And, so to me, it's personal and I do feel that we need to - if we can do whatever we can do to help bring equal rights to everyone. The things in this country are kind of going awry because people don't have equality, and so, we really need to look at this especially for women. This right here will not only help women, it will help disabled people and other people that have a disadvantage. With that, I am prepared to vote for it tonight.

In response to Councilman Hobbs, City Attorney Cordell-Ivery nodded in agreement that it was appropriate for Senator Locke to speak on this topic.

In response to Councilman Hobbs, Senator Mamie Locke made the following comments: I would like for the City to vote on this, this evening. The only thing that you are voting on is that the City supports the State moving forward on ratification of the Amendment. That is all it is. It is not jumping through any kind of legal hoops saying that the City is ratifying it. It is Congress that has to ratify it. What we are asking for is your support in helping us move this forward through the Legislature. It's ultimately the Legislature that has to vote it through in 2019 to ask for ratification. Virginia will be the 38th State to do so. Of those five states that rescinded, they have all since voted to un-rescind from their previous rescinding of the ERA. So, that is all we are asking for. It is ultimately the General Assembly that has to vote for it to be the 38th State. Congress would then have to take it up again.

Councilman Hobbs thanked Senator Locke for providing the information.

Vice Mayor Gray made the following comments: I agree with my colleagues that this is an important issue, not only locally, but across the State and across the country. We are only tonight asking Senator Locke and her colleagues at the General Assembly to ratify this at their level. We are not making a decision here; we are just

asking for or extending our support/showing our support for what you plan to do eventually, I hope here in the next session.

Vice Mayor Gray continued: When I was Fire Chief here for six years, I had the distinction of having four women Chief Officers in my organization - two of those who were Battalion Chiefs when I arrived and two, I promoted after I became Chief. That was a highly unique arrangement, not only in this region, but across the country to have that many women in leadership positions at that level in the fire service because you had a predominately male dominated organization. So I think through a great deal of determination and fortitude, those four women made their way up the ranks to the rank of Chief Officer and held critical functions in the organization when I was Chief. I was really proud to be Chief with that arrangement. I know that their fight to get to the top wasn't an easy one as that is the case with many women who work in organizations throughout our country. So, they deserve equal protection under the law. They deserve equal rights. So, tonight I want to support this. I'm ready to move forward with it for my three granddaughters, my two daughters - so that they have the protections everywhere that they live and work and play in this City and this country. Thank you.

Mayor Tuck made the following comments: I was listening to my colleagues and thinking about what I would say. I guess what I would say is that following the Civil War, Congress ratified the 13th, 14th and 15th Amendments which freed those previously enslaved individuals - it said basically that regardless of your previous conditions of servitude or where you were born that you were considered to be citizens as well as establishing the right to vote. That was followed by some forty plus years of intimidation and lynching's and other kinds of things, to the point that around 1919 or so, you had the founding of the NAACP to try to get Congress and other agencies to try to bring an end to the lynching's as well as to get them to abide and uphold the 13th, 14th and 15th Amendments. So, for a period of about 50 plus years, there was this constant appeal to Congress to support those Amendments and finally in 1964/1965, you had the Voting Rights Act and you had some other kinds of acts that for the most part finally tried to give teeth to those Amendments. In one respect, you can talk about the fact that women now have these rights. At the same time, though, there is discrepancy, there is the sense of inequity in how women are treated in society versus how men are treated in terms of wages, social status, health benefits - a number of other things where women either have to pay more, are not treated the same, or have what I would call a gender cost. How you want to estimate that, I'm not sure. So, tonight, what's before us really is an opportunity to say that Hampton is not going to allow this opportunity to pass where history looks back on us unfavorably because we decided we would pass on this. Now, what does it obligate us to and what does it perhaps expose us to? I'm not sure, but I think what we are being asked is that local communities around us are

taking a stand to say that we believe enough in the equality of women that we want to go on record as saying that we will support this. All around us, localities have voted in favor of this. I don't think that they would vote in favor of this if in fact they thought there was some potential retribution by the General Assembly or by others. I think it's the right thing to do at this particular moment and it is an opportunity to show support for our legislators who will go with the recommendation that the city that they represent has given its' stamp of approval to our General Assembly encouraging Congress to ratify this particular Amendment. With that said, I will be voting yes.

Councilwoman Brown made the following comment: I certainly appreciate all the comments made by my colleagues this evening and I would not want to be a part of not being a part of history. I certainly support the equal rights of women and I will vote aye.

Councilwoman Curtis made the following comment: I am persuaded by my colleagues. I vote aye.

Steven Bond, Assistant City Manager, explained the item. Following a motion by Councilwoman Snead, which was seconded by Councilman Brown, the Mayor asked for discussion.

With the motion being previously made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, a roll call vote was taken on the motion that this Resolution be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Appointments

The Clerk read the motion necessary for the appointments.

19. [18-0260](#) Consideration of appointments to Building Code Board of Appeals
- A motion was made by Councilmember Hobbs to appoint Robert K. Kochran in the place of Patricia Quigley to serve until June 30, 2019. One vacancy remains which must be filled by a builder or contractor.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

20. [18-0287](#) Consideration of appointments to Animal Control Advisory Committee

A motion was made by Councilmember Hobbs to appoint Shelly Keller and Gordon Brightbill each to fill unexpired terms until June 30, 2019.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

21. [18-0355](#) Consideration of appointments to Coliseum Advisory Board

A motion was made by Councilmember Hobbs to reappoint Robert Boester and William Brown to their second three year terms expiring on December 31, 2021, and appointed Anne Rutherford to a first full term expiring on December 31, 2021, and Jackson (Matt) Joyner to fill the unexpired portion of a term expiring on December 31, 2019.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

22. [18-0357](#) Consideration of appointments to Citizens' Engagement Advisory Review Commission (CEARC)

A motion was made by Councilmember Hobbs to appoint Charlene Johnson in the place of Diana Gulotta to fill an unexpired term until June 30, 2020, and to leave two vacancies unfilled at this time.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

23. [18-0367](#) Consideration of appointments to Hampton Senior Citizens Advisory Committee

A motion was made by Councilmember Hobbs to reappoint

Yvonne Gaynor, George Gwynn, and Christine Evans to their second full terms which will expire on December 30, 2022, and reappointed Martha Clark to her first full term expiring on December 30, 2022. One vacancy remains unfilled at this time.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

No reports.

MISCELLANEOUS NEW BUSINESS

In response to Councilman Brown, Parks, Recreation and Leisure Services Director David McCauley stated that there is no plan to install additional restrooms at Buckroe Beach; however, there are functioning restrooms on each end of the beach near the pier and toward Second Street. There are also Porta Potties available during construction periods. Mr. McCauley noted that he would contact the citizen to discuss his concern.

Each member of Council gave end of the year remarks and offered holiday greetings to all.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Contact Info:
Clerk of Council, 757-727-6315, council@hampton.gov

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____