



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, September 26, 2018

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Vice Mayor Gray convened the meeting at 6:35 p.m. All members of the City Council were present with the exception of Mayor Tuck who was away on City business. Assistant City Manager Brian DeProfio substituted for City Manager Mary Bunting. Ms. Bunting arrived just as roll was called.

Present: 6 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs and Councilmember Chris Snead

Excused: 1 - Mayor Donnie R. Tuck

JIMMY GRAY PRESIDED

INVOCATION - Councilmember Linda Curtis

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Vice Mayor Gray welcomed Kraig Cole and Lisa Adkins, members of the Hampton Cup Regatta Committee and they provided information on the 93rd running of the Cup which will take place in Mill Creek on September 29 and 30.

The Vice Mayor then recognized Councilwoman Brown who shared information on Robbie and Mikey Rouse, two young men

whose muscles have been weakened by Duchenne Muscular Dystrophy, a progressive disease that has affected nearly all of their voluntary muscles. They recently visited Hampton with assistance from Lutheran Family Services and Julie's Abundance Project as they are crazy about all things related to space. A short video was shared highlighting the special visit these young men had in Hampton and thanking the many individuals and businesses who made this possible. Councilwoman Brown also shared that Robbie passed away during the past week but sharing a bit of our City with these young men was a joy and a blessing.

Vice Mayor Gray thanked Councilwoman Brown and her husband for going the extra mile to bring joy to these youths' lives.

CONSENT AGENDA

Vice Mayor Gray announced that Councilwoman Snead requested that item #3 be removed from the consent agenda allowing an opportunity for staff from the Hampton Redevelopment and Housing Authority to provide information about the program.

Clerk of Council Katherine Glass read the protocol for the consent agenda.

3. [18-0317](#) Resolution of the City Council of the City of Hampton, Virginia, Approving the Creation of A Step Up Foundation, Inc. by the Hampton Redevelopment and Housing Authority

The Clerk read the title for this item.

City Manager Mary Bunting gave opening remarks.

Hampton Redevelopment and Housing Authority (HRHA) Executive Director Ron Jackson spoke about A Step Up Foundation, Inc., Program. He emphasized the importance of early childhood education and self-sufficiency. He explained that studies have shown that poor children, children raised in public housing, and children raised in section 8 generally score lower on performance testing. This program is one way to attempt to break generational poverty. He noted that most programs concentrate on adults; however, this program is designed to marshal resources to focus on children who attend Hampton City Schools.

Mr. Jackson stated that after HRHA, school staff, parents and volunteers conducted

a survey regarding Hampton students, it was determined that children in our community scored lower than those nationally. This is primarily due to the number of risk factors our students encounter.

Mr. Jackson added that we have a special obligation to work with families and students in our communities. This foundation will help bridge the gap in areas where schools may not be able to provide resources necessary for the success of our students. He added that this program will work in conjunction with other organizations and groups with the same goal.

Ms. Michelle Barnes of HRHA spoke about some of the partners that will engage in this opportunity. They include family engagement specialists, Healthy Families, Hampton City Schools retired teachers, Virginia Workforce Council, and Goodwill. She noted that our students are approximately 2 years behind academically. The services lined up for this foundation will focus on Title 1 schools and offer support to these families.

Mr. Jackson reiterated that the program's primary focus will be on early childhood learning and the long-term goal will be to take a cradle to career approach. He emphasized that education is the antidote for poverty. This program will do what it can to ensure our children are successful throughout the education process and that they have as many educational and career options as possible.

Councilwoman Snead thanked Mr. Jackson and Ms. Barnes for the information. She emphasized that our citizens needed to be made aware of the holistic approach we are taking to our most vulnerable citizens/students so that everyone in our City will have the same opportunities made available to them.

Councilman Brown thanked Mr. Jackson and Ms. Barnes for the presentation. As former Chair of the Housing Authority, he expressed excitement about the program and shared that this is a win/win, not only for those raised in public housing, but also for our school systems. He noted that great people have come out of public housing including himself and that he is grateful for the village that helped him become what he is today. He added that he looks forward to a long-lasting relationship working with the Housing Authority on the project.

Councilwoman Brown also expressed excitement about the program and this progressive opportunity for the Housing Authority and the positive results that it will yield.

Councilwoman Curtis said she was pleased that the effort will begin with early childhood education because when children begin school prepared and ready to

learn, they continue with good habits into their future; however, when they begin behind, they stay behind. She was also pleased that this program will give those students the means they need in order to succeed.

The Clerk summarized the remaining consent agenda items.

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

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Approval of the Consent Agenda

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

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

1. [18-0314](#) Resolution Endorsing the Hampton-Langley Air Force Base Joint Land Use Study Addendum: Resiliency and Adaptation

Attachments: [JLUS Addendum Presentation](#)

Item approved.

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

2. [18-0299](#) Review and Approval of the Hampton-Newport News Community Services Board FY 19 Performance Contract with the Department of Behavioral Health and Development Services

Attachments: [FY19 Performance Contract Exhibit A.pdf](#)
[FY19 and FY20 Community Services Performance Contract.pdf](#)
[FY19 Performance Contract Cover Memo June 8 2018.pdf](#)

Item approved.

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

4. [18-0322](#) Resolution to Accept and Appropriate the Maternal, Infant and Early Childhood Home Visiting Program Grant Awarded by the Commonwealth of Virginia's Department of Health to the City of Hampton, Virginia Grant Fund for City's Department of Youth, Education, and Family Services (also known as Healthy Families) to Continue the Parents As Teachers Home Visiting Education and Support Program

Attachments: [YEF MIECHV Grant Routing Form FY2019.pdf](#)
[YEF MIECHV Grant Proposal Overview FY2019.pdf](#)
[YEF MIECHV Scp of Svcs - Bud FY 2019.pdf](#)
[YEF MIECHV Contract Renewal FY2019.pdf](#)

Item approved.

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

5. [18-0320](#) Resolution of the Council of the City of Hampton, Virginia Confirming the Order Terminating on September 14, 2018, the Declaration of Local Emergency Declared by the Hampton Director of Emergency Services Effective September 10, 2018, Due to Hurricane Florence

Attachments: [Order Terminating the Declaration of Local Emergency](#)

Item approved.

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

6. [18-0321](#) Approval of the Minutes from the Work and Legislative Sessions of September 12, 2018

Item approved.

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

7. [18-0323](#) Approval of Hampton City Council Meeting Calendar for 2019

Attachments: [Draft Meeting Schedule](#)

Item approved.

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

The Clerk read the protocol for public hearings.

Use Permits

8. [18-0286](#) Use Permit Application No. 18-00005 by Lankford and Joyce Blair to Permit a Bed and Breakfast 2 at 232 South Armistead Avenue [LRSN: 2001912]

Attachments: [Conditions](#)
[Application Form](#)
[Supplement Form](#)
[Floor Plan](#)
[Survey](#)
[Narrative Statement](#)
[Executed Parking Agreement](#)
[Parking Exhibit](#)
[Staff Report](#)
[Letters of Support](#)
[Presentation](#)
[Planning Commission Resolution](#)

The Clerk read the title for this item.

City Manager Bunting introduced City Planner Lucy Stoll to provide the briefing on the item.

Ms. Stoll explained that the applicants currently operate a bed and breakfast with an approved permit; this application is for events only; the applicant is not proposing any changes to the bed and breakfast portion of the operation.

Ms. Stoll provided a brief history of the application and the bed and breakfast operation.

Ms. Stoll stated that the site location, 232 S. Armistead Avenue, is outside the core of downtown at the corner of Lee Street and Armistead Avenue.

Ms. Stoll also spoke about zoning, the Future Land Use Plan, and the Public Policy/Hampton Community Plan as they relate to and support the application.

Ms. Stoll stated if the application is approved, staff has recommended 13 conditions be attached to the Use Permit. This covers both event and bed and breakfast operations. Some of the conditions include limiting events to indoors; maintaining onsite management; and completing a parking agreement with the church (which has been completed).

Ms. Stoll noted that the applicant has stated they are only performing marriage ceremonies; however, these conditions cover a range of events outside of what the applicant has stated in their narrative that they would be performing.

Ms. Stoll stated staff and the Planning Commission recommend approval of this application with 13 conditions. She noted that six letters of support were also received from neighbors in the area.

Ms. Stoll opened the floor for questions and/or comments from those on the dais. No questions or comments were posed.

PUBLIC HEARING:

Vice Mayor Gray invited the applicants to speak prior to the public hearing.

Applicants/owners Lankford and Joyce Blair came forward. Mrs. Blair shared that the business has been in operation since 2006. She reiterated that their only interest in the bed and breakfast 2 permit is to continue marriage ceremonies. She noted that both she and her husband are certified to perform ceremonies; however, they are not interested in hosting receptions and other events open to the public. She also noted that occasionally they host fund raisers; however, their main business (program) is marriage ceremonies for up to 20 guests.

The Vice Mayor opened the public hearing. 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 Eleanor Weston Brown, that this Use Permit be approved with thirteen (13) conditions. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Ordinances

9. [18-0284](#) Ordinance to Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining to Pharmaceutical Processors

Attachments: [Presentation](#)
[Redline](#)
[Planning Commission Resolution](#)

The Clerk read the title for this item, and noted that items 9 and 10 require separate votes; however, one public hearing can be conducted for both items.

City Manager Bunting reminded everyone that Council was previously briefed on the Virginia General Assembly changes which permit pharmaceutical processors. They were also briefed on the need for staff to adopt (in our zoning ordinance) where such facilities would be located. She noted that today's newspaper announced that the Hampton applicant did not win the bid; however, staff recommends moving forward with the amendment so that if there is a need for additional pharmaceutical processors, the zoning code will already be amended (if a Hampton applicant decides to go to bid in the future).

City Planner Corey Block stated items 18-0284 and 18-0285 in conjunction will create a definition and allow for pharmaceutical processors within our Zoning Ordinance.

Ms. Block reviewed the purpose of the amendment - to amend Chapter 2 to include a pharmaceutical processor and to amend the use table in Chapter 3-2 to allow for this use in 6 districts with an approved use permit.

Ms. Block shared information regarding State legislation, inquiries the City received following legislation, our zoning administration's previous interpretation, how City Council requested staff proceed with further analysis and Zoning Ordinance Amendment information as they relate to this item. She pointed out that this item will come before Council and the Planning Commission again for re-evaluation of the application.

Ms. Block shared the pharmaceutical processor proposed zoning districts in the City. She also shared information about Public Policy/Hampton Community Plan as it relates to the item.

Ms. Block stated staff and the Planning Commission recommend approval of both items.

In response to Councilman Hobbs, Ms. Block clarified that cannabis oil does not produce the same effect as smoking marijuana. The hallucinogenic has been removed so that individuals do not get "high". She noted there is a small percentage of hallucinogenic; however, it is regulated by the board and is so small that it causes no effects. She clarified that this is purely medicine which will treat conditions such as inflammation, stress and anxiety without the known side effects of the plant.

Vice Mayor Gray shared an example of a Hampton citizen who travels to various places to obtain cannabis oil to treat seizures and other serious medical conditions. He expressed the importance of this medication being accessible to those who direly need it.

JOINT PUBLIC HEARING:

Vice Mayor Gray opened the Public Hearing.

Mr. Joe Scarcello, CFO of RX Native Pharmaceuticals greeted those on the dais and made the following statement: We hope to locate a facility here in Hampton. I'm here to speak on the two proposed zoning ordinance amendments before you 18-0284 and 18-0285, which would adopt the State's definition of a pharmaceutical processor and adds that to the uses permitted in Hampton condition upon an approved use permit as Corey mentioned. Our company had an application pending with the State and hoped to be selected and provided with a license allowing us to be the processor in this region and in Hampton. The region actually stretches out from about New Kent County to the entire south side and we plan to locate our facility here in Hampton - actually right outside of Langley Research Center. We found a location there that was ideally suited to our needs and would be

geographically central in the district. Yesterday, the Board of Pharmacy made its initial decision on who the processor for this district and region will be, though it's not our company, pharmaceutical processors are a new industry for Virginia. An approval of these zoning ordinance amendments would lay the foundation for possible future establishment in Hampton and render the benefits the Vice Mayor is talking about. For this reason, I encourage you to support the amendments before you today. I also would like to thank Steve Shapiro, Terry O'Neill and Corey Block in the Hampton Planning and Zoning Commissions for their assistance to our team and for putting these zoning ordinance amendments forward. Thank you. I can answer any questions that you may have.

In response to Councilman Brown, Mr. Scarcello stated that he hopes his company will have other opportunities to reapply. Currently, the Board of Pharmacy is going through their next phase of evaluation, have made the company known, and are doing background checks and finger printing. He said his company anticipates it going well for the company they selected because they have done a thorough analysis. He continued stating that this is a new industry and if the selected companies cannot step up to demand, the Board of Pharmacy has the power to give other companies an opportunity. He emphasized that if that happens, the zoning ordinance will be in place and Hampton will be one step closer to moving forward.

Vice Mayor Gray thanked Mr. Scarcello, closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

10. [18-0285](#) Ordinance to Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 3-2 Entitled "Uses Permitted" to Add a Category of Pharmaceutical Processor to the Table of Uses Permitted

Attachments: [Redline Text](#)
[Redline Use Table](#)
[Clean Use Table](#)
[Presentation](#)
[Planning Commission Resolution](#)

The Clerk read the title for this item. This item was handled simultaneously with item 9.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Resolutions

11. [18-0270](#) Resolution Authorizing the Execution of an In-Building Radio Agreement Between the City of Hampton and T-Mobile Northeast LLC for the Purpose of Installing and Operating a Wireless Distributed Radio System with Service Node(s), Radio Nodes, and any Necessary LAN Equipment at the Hampton Roads Convention Center

Attachments: [Proposal](#)
[Agreement](#)
[Site Plan](#)

The Clerk read the title for this item.

Ms. Bunting gave the following introduction to the item: T-Mobile has asked to use space at the Hampton Roads Convention Center to locate a wireless distribution radio system. The project will enhance cell coverage for parties within and around the convention center and will also provide an annual rent of \$6,000 per year. The lease term is 5 years. Staff recommends approval.

PUBLIC HEARING:

Vice Mayor Gray opened the public hearing. There were no speakers. He closed the public hearing and called for the motion.

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

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

12. [18-0316](#) 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER)

Attachments: [Presentation](#)
[CAPER 2018](#)

The Clerk read the title for this item.

Ms. Bunting gave the following introduction to the item: The U.S. Department of Housing and Urban Development (HUD) requires entitlement communities, which we are, to hold a public hearing to review program performance and to obtain views of citizens on housing and community development needs. This is done through the Consolidated Annual Performance and Evaluation Report (CAPER) where we review the performance and use of our Community Development Block Grant (CDBG) and HOME Investment Partnership funds. The report has been available for a thirty day public review and comment period since Friday, August 24th. The public comment ends today.

Chief Neighborhood Specialist Arkeisha Whitley greeted those on the dais and presented the City's Fiscal Year 2018 Consolidated Annual Performance and Evaluation Report (CAPER), the annual performance report submitted to HUD that tracks the City's progress on the activities funded by the CDBG and the Home Investment Partnership (HOME) Programs.

Ms. Whitley stated that the City submitted its Five Year Consolidated Plan in May 2016 which detailed the proposed activities for CDBG and HOME Programs during 2016-2020. The objectives presented tonight capture year 3's progress of the 5 year plan, the City's fiscal year 2018 from July 1, 2017-June 30, 2018.

Ms. Whitley explained that activities funded must be eligible under the CDBG Program regulations as well as meet one of the three national objectives of the program. The primary objective is the development of viable urban communities by providing decent housing, a suitable living environment or expanding economic opportunity. Activities must meet one of three national objectives: benefit low to moderate income persons, prevent slums and blight or meet an urgent need.

Ms. Whitey shared the primary objectives of the HOME Program. She noted that HOME provides funding to assist with homeownership opportunities, homebuyer education and homeowner rehab funds. HOME also provides funds for Community

Based Housing Development Organizations (CHDOs). She noted that at this time Habitat for Humanity is the City's only certified CHDO under the HOME Program.

Ms. Whitley stated both CDBG & HOME programs use the low to moderate income qualifications that are determined by HUD and vary by household size. Currently to qualify, a family of four's income must fall below or at \$58,400. The City's total grant allocation for CDBG and HOME was approximately \$1.5 million dollars (this year).

Ms. Whitley explained that the CDBG Program income, CDBG reimbursement and the HOME Program income allocations for FY18 were approximately \$295,000. These funds are revenues gained from the sale of homes through the preferred builder program and revert back into the grant to support additional programming.

Ms. Whitley said funding is awarded to the Hampton Redevelopment and Housing Authority (HRHA) to administer program activities for CDBG and HOME. The City also funds 3 Code Enforcement staff and staff to support neighborhood planning in the Community Development Department. Though program funds have been used in low to moderate areas across the City, there has been a focus on qualified projects in our Housing Ventures areas, such as the Olde Hampton neighborhood. Funds also support staffing for Parks and Recreation at Y.H. Thomas and Little England Centers.

Ms. Whitley shared the 2017-2018 CDBG accomplishments. The City was able to acquire 4 properties, demolish 2 properties and dispose of 29 properties (5 disposed properties were transferred to Habitat 4 Humanity for new housing, 14 to the Preferred Builders Program) with CDBG Funds this year. We have acquired a total of 551 properties and demolished 546 properties across the City. Funds were provided to complete 7 wheelchair ramps and provide weatherization for 7 properties for a total of 160 over the program. Five hundred and seventy three rental inspections were closed and completed and 150 rental permits were issued this fiscal year. The rental inspection and rental permit program both increased this year.

Ms. Whitley shared examples of the new housing constructed through the preferred builder program in the Olde Hampton Neighborhood.

Ms. Whitley shared the 2017-2018 HOME Program accomplishments. Funds were provided to support first time homebuyer workshops, the homebuyer club, financial literacy and housing counseling at HRHA - there were a total of 287 attendees. Homebuyer activities increased approximately 30% over the last program year. At Y. H. Thomas, tutoring was provided to 37 students, total summer playground attendance was 1,992 and other center activity attendance totaled over 13,000. At

Little England, tutoring was provided to 50 students, 60 youth attended the summer enrichment program and computer classes were provided to 65 youth and adults. Home funds were provided to acquire and rehab 2 homes, 7 were sold for a total of 55 throughout the program year. New construction funds supported 4 homes that are currently for sale and the sale of 4 homes. Homebuyer assistance was provided to 9 homebuyers and 15 homebuyers in the homebuyer club. Seven homes were rehabbed for a total of 536 over the program year. Habitat for Humanity was able to complete 5 homes with CHDO funds.

Ms. Whitley stated the CAPER was made available for public comment on August 24th. As required by HUD tonight, we will gather comments on the CAPER and we are asking Council to accept the CAPER for submission to HUD on September 28th. She continued stating that we are also asking for acceptance of the CAPER to ensure that we meet HUD's deadline of September 30th. The public comment period ends at the conclusion of this public hearing. She noted that any edits or comments received will be included in the final submission to HUD on September 28th.

Ms. Whitley opened the floor for questions and/or comments from those on the dais.

In response to Councilman Brown, Ms. Whitley confirmed that the 14 homes for preferred builders refers to the \$1 lot program. Fourteen properties were purchased with CDBG funds; the homes will be built in areas that suffer from blight, including Olde Hampton and Kecoughtan.

Vice Mayor Gray commented that he is excited to see transformation in these neighborhoods and that we are providing affordable quality homes for people living in our City.

PUBLIC HEARING:

Vice Mayor Gray opened the public hearing. There were no speakers. He closed the public hearing and called for the motion.

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

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

13. [18-0297](#) Resolution to Amend the Fiscal Year 2019 Council Approved Budget to Appropriate Funds from Fund Balances for

Uncompleted Capital Projects and Certain Operational Costs from the General Fund in the Amount of \$11,613,421.66, the Economic Development Fund in the Amount of \$1,613,479.97, and the Stormwater Management Fund in the Amount of \$8,782,507.73

Attachments: [FY18 Capital Projects Carryforward List - FINAL](#)

The Clerk read the title for this item.

Ms. Bunting provided the following explanation regarding the item: You are used to us bringing the rollover capital projects each year. Most of the time when we adopt a capital project, it does not get done in one year's time. Between the design of a project, the bid process, the procurement, the actual construction, very rarely does a capital project end in one fiscal year. What happens historically in the budget process has been that the general fund appropriates money to the capital budget and at the end of the year, the capital budget monies have gone back to the general fund and we had to re-appropriate them as the New Year began. However, we have been reviewing best practices with regard to how to do this and found that most cities in our region - once they put money from the general fund into the capital projects account, leave it in the capital projects account until the project is done. We want to move to that practice because that is the best practice and it is how rating agencies and others are looking at cities and how they are doing those kinds of things. This would help us in a couple of regards: (1) We don't have to appropriate the money each year. (2) It also avoids a gap in the construction of those projects. When we close out the projects and have to wait for re-appropriation, we have to wait until the accrual period for the fiscal year is complete and then come back before Council and have those appropriated. At this point, we are into September and many of our capital projects have not been able to progress with payments in the July, August and September timeframe while we waited for the accrual period to end and us to come to Council. This change in practice will keep things moving along. We wanted to have a public disclosure of our plan to change that practice and ask Council to approve these rollovers one last time. When we adopted the budget, we had not indicated it was our plan to change our capital project accounting. That is why this is before Council tonight and you haven't had it before you in this way in prior years. Staff is asking that you approve the rollovers as you have done in past years, but with the understanding and acknowledgement that we will shift to the best practice just outlined.

PUBLIC HEARING:

Vice Mayor Gray opened the public hearing. 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 Chris Snead, that this Resolution be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

PUBLIC COMMENT

The Clerk read the protocol for the public comment period.

Ms. Chris Reese greeted those on the dais and made the following statement: I want to thank everybody for listening to me tonight. What I want to talk to you about is my experience with the Animal Aid in Hampton. I was a volunteer there for ten years. My chores there were not only the routine chores, but I gave all the meds. I was the only member out there who took the animals to the vet in the cat section. I did the preparing of the houses. I worked very hard with the cleaning and this type of thing. This was great until about three years ago when there was a change of hands and things changed dramatically. The food was rationed down from a bag of dry food that was 16 pounds to only half a bag. We were giving 5 cans of wet food. It dropped to 3 cans. This is definitely not enough food for the animals. When I questioned them about the water, I was told that I was being foolish; that they were only feral cats and did not need fresh water daily. I was also told that there was no money left in the funds to take care of these animals. In March, it was still winter, March 14th, a group came out and cleaned up - they didn't take it away - they just cleaned it up. I have pictures for you. At that time, we didn't have enough shelter, in my opinion, for the 18 cats that were out there. It was still cold and many of them are old. As it turns out, our chalet was soaked with water. There was a note placed on the community board and it was there for 18 days which explains that anybody who was coming in there - anybody in a position who could do something would have known about it. There was not enough dry shelter for these animals. As a result, nothing was done. I did call and speak with Codes and Compliance and they said that it was not considered wetlands which I was concerned about because there was a fairly large donation to be made. I called and tried anybody who would listen to me. Nobody would listen to me. I ended up calling a Sherry Hessel in Richmond. It just so happens that the entire Animal Aid is still not able to - in August 2017, there were 6 noncritical violations and there were no animal records for the cats. I have called her back routinely and it is still under investigation. I was told that I was not allowed to come out there anymore. That I was a mental trouble maker. I was only trying to get somebody to tell me that yes, they needed shelter. There was a very large donation if they can meet the criteria again. Thank you for listening to me.

Vice Mayor Gray noted that the City Manager made notes regarding Ms. Reese's comments.

Ms. Linda Seely greeted those on the dais and made the following statement: I'm here tonight again on the cats. I don't know why something has not been done. I know that Councilman Hobbs, Councilman Gray, Councilman Brown (Ms. Seely paused a moment to congratulate all of the newly elected members of Council and Vice Mayor Gray on his election) but look - I don't know what it's going to take? Does it take publicity which only hurts the animals - it doesn't do anything for them. Or does it take some serious catastrophe to happen in our City before somebody steps up to the plate? I know all four of you and Chris, God love you, you have tried. I heard you say publicly (not only me, but many other citizens) you said last year - you told the City Manager that we need to pull it (Animal Control) out from the Police Department. He (Police Chief) can't help it. Bless his soul - he's having a time surviving, so he doesn't need cats and dogs to worry about. He needs people to worry about. He can't help it. I'm not here to bad mouth him, I'm just here to say, have mercy on him). But, the animals need the mercy, but have mercy on him for not knowing how to handle it. I want to say this. You said publicly and then you told Ms. Bunting (I'm not here to pick on you Mary because you are my friend and a good City Manager). But, I'm here to tell you that these people have just worn themselves out and I'm just worn out talking about the same thing. When you order something to be done - it's not being done. It's not your fault, but you need to follow up on it. Councilwoman Snead told you cats were out in her ditch behind her house. They've done all they can do, but sometimes we become complacent and when that happens, somebody has to do something. Our Vice Mayor has worked very hard when he was on his campaign - the animals helped get him right in there. They really did. The owners love him. They wanted me to give you a hug tonight, but I can't do that - I'd be too tired, Jimmy. I don't have that strength. Councilman Brown - when they mentioned he was going to help the animals, that helped. Poor Billy adopted a cat from me when it was homeless, so he has tried to help. I haven't been able to cover all the stuff, but the citizens are doing as much as Animal Control is doing. That's wonderful. I'm all for that. But, be careful because one of them may get bitten by a feral cat and the treatment is not good.

Vice Mayor Gray suggested Ms. Seely speak with staff following the meeting as her speaking time had expired and the next speaker was waiting to speak.

Ms. Lisa Edwards-Hendry greeted those on the dais and made the following statement: I'm coming for State cover down; for community awareness, educational awareness, judicial awareness for all of our legal professionals, our Council, so we can get more programs and more Councilmembers to establish other committees for community awareness so that we don't have problems where we have our actors and

actresses posing/committing fraud. For example, my record - they are committing fraud where I am advised to get legal? Our children are being victimized. Where being open - they are using the open as a tactic to trap our kids; to manipulate our kids. Showing our kids that there is no hope for the future. Where our kids are now getting guns and shooting people in the schools, where we need to be able to educate them. Where the Bible says when our eyes and ears get open, and the government can validate everything that is being said. We need to be able to come out of our mouths and save our children; save our public; and our government where our politicians are coming out of their mouths saying go forward, not backwards. Be able to come out of your mouth - walk it and talk it. But, we've got to work together to save our people. They are attacking our children. You have to remember that our children are our future. If they lose hope now, we are in trouble in the future. We are having a flag down. We are already in emergency crisis. We need to take this thing seriously where when the White House officials contact you, hopefully, the committees will have started to be put in place or if you guys need more assistance, more assistance will be sent so we can get the people where our law professionals - they'll be able to get together and come out of the mouths and establish more laws and protection for our community, where they won't use their tactics and their training to threaten and abuse and intimidate and lie and make videos to lie about our community where our community is being held hostage and they are being abused because they say we have no protection. When we are aware of this, we can do something about it. We have proof and truth where we need judges, lawyers and doctors that don't fear coming out of their mouths because of who they are and their sworn oath. We have educators that are open that could say - look, I know this is real. We need to protect our children and cover down. We need to have psychiatrists, psychologists, doctors. I have a disorder. They say delusion disorder. But the coding says delusion disorder/non-bizarre. It sounds crazy what I am saying, but the description my diagnosis says what I am talking about sounds exaggerated, but it is true. Where we need to make sure the social awareness - and get all the communities - and all the branches for our children, social awareness, our religious leaders, community. Our government has already asked for people to go forward, not backwards. And if we can get all these programs together because fake news where people pose as actors and actresses promoting public emotion but they are causing chaos. Where even the word Niger was used to cause chaos and anger amongst the people where they say for mental dominance where the true definition is a person who is ignorant and foolish by their actions, not their race.

Vice Mayor Gray informed Ms. Hendry that her speaking time had expired. He said he didn't get what the specific issue was and recommended she speak to a staff member such as Assistant City Manager Bond following the meeting. He may be able to point her in the right direction.

Ms. Hendry agreed to speak to Mr. Bond after the meeting and continued stating that she has a list of the Councilmembers names and emails. She gave them a heads-up for a cover down for when White House officials do contact them officially.

Mr. Alton Blackley greeted those on the dais, provided council with a handout and made the following statement: I come to you on behalf of my church, Antioch Baptist Church, in the Buckroe section of Hampton where I am the Chairman of the Trustee Board and have been a member there for 53 years. The handout you have before (you) is our parking lot in the back of our church. When we built our church, we made sure that the drainage of rain and water would be able to drain off into the ditch. The first slide you see there is how it looked before I show you the problem we've had at the church. I did, however, call the call center to make an appointment with Public Works to come down to look at our situation back in April. I never received a call or anyone came until I called again in August. At that time, they had someone come down to look at the property. Also, I had one Council person come out to look at the property as well. The problem is that we never had a drainage problem at our church in the 53 years that I've been there. We've never had flooding, even with Isabelle, we've never had flooding on that property. On the second page, you will see (you can't see it well - I took that picture through the fence) that is where the City came in and dug a trench there and put rocks on both sides of that. You can't see it because of the vegetation that has built up there. They used to clean that ditch (the vegetation) twice a year, but they cut back to once a year. I've been calling to make sure they come and clean it. They finally came about two months ago to clean it. When they dug that trench, we began to have problems with our property. Mr. Blackley asked those on the dais to turn to the next page - and said this page shows when the property began to erode. He continued his statement: we had erosion on our property where the water was coming from the ditch onto our property. Mr. Blackley asked those on the dais to turn to the fourth page and continued his statement: This is the damage that it caused. I was told that because of the rain that we have had down through the months, this will cause that damage there, but we had Isabelle and we never had any damage on that property whatsoever. So, they've said that they are not responsible and I can't seem to get any answer. Mr. Blackley asked those on the dais to turn to the last page and continued his statement: the last page is today and this is what we have today on the property at the church. I'm just coming for an answer or some clarification to see what can be done or what we need to do as a church. Thank you.

In response to Councilman Hobbs, Mr. Blackley repeated the name and location of the church: Antioch Baptist Church located at 1563 Old Buckroe Road.

Vice Mayor Gray asked that the City Manager or a member of staff follow up with

Mr. Blackley. Ms. Bunting noted that this is the first she has heard of the problem. She continued stating that it sounds as though Public Works has met with Mr. Blackley; however, she will speak with staff to receive a better understanding of what is taking place and follow up with Mr. Blackley.

GENERAL ITEMS

Ordinances

Resolutions

14. [18-0304](#) Resolution Determining an Economically Mixed Development Project in the Phoebus Area of Hampton to Qualify for Virginia Housing Development Authority Financing Pursuant to Code of Virginia §36-55.30:2B

Attachments: [Exhibit A](#)
[Presentation](#)

The Clerk read the title for this item.

Ms. Bunting provided the following opening remarks: The Whitmore Company has proposed a multi-family development called Monroe Gates Apartments at 200 S. Mallory Street in the Phoebus area of the City. As part of the project, they are seeking Virginia Housing and Development Authority (VHDA) financing which will require 20% of the 162 units (which is about 33 of the units in the project) at reduced rates. The VHDA requires that City Council pass a resolution regarding its position on the project.

Ms. Bunting explained that oftentimes, people think VHDA financing programs refer to Section 8; however, VHDA has other financing programs that go beyond working with Section 8 certificate holders; and, therefore, we wanted to explain to the community how this program works with regard to Monroe Gates Apartments.

Housing and Neighborhood Services Division Manager Johnathan McBride provided an overview of the Whitmore Company's proposal, information about the Workforce Housing Program and how the program ties to current City policies.

Mr. McBride provided project overview information such as location, number of units, market rate, and restricted and unrestricted income units.

Mr. McBride shared the purpose of the VHDA Workforce Housing Program. The program provides development financing, creates greater access to quality affordable housing options, supports the local workforce and encourages mixes of

income.

Mr. McBride provided information about the various multi-family Finance Programs. They include the Market Rate, 4% Tax Credit, REACH Program, and 9% Tax Credit.

Mr. McBride described two quality affordable housing tools: development financing and direct subsidy. He explained that VHDA falls under the Development Financing category. The project for consideration falls under the REACH Program, bond financing through VHDA - which provides low interest bond financing and has a similar mix to the City's 4% tax credit project.

Mr. McBride shared area median income (AMI) examples for Northern Virginia, Richmond, and Hampton Roads compared to Hampton. He noted that Hampton has incomes which are approximately \$25,000 less, while our rent is about the same as the region on average. This means there is a demand for rental in our City. Challenges for Hampton include: an older rental stock, and the rental market isn't attracting higher income household like the region.

Mr. McBride stated this project would allow us to incentivize development in neighborhoods, bring a quality product in and allow for a higher level of income to move into a community while preserving affordable housing within the neighborhood.

Mr. McBride explained that VHDA requires either revitalization area or local designation for the City or a resolution supporting the impact of the project to encourage a mix of incomes. Because of our fair share policy where we don't want to concentrate all of our affordable housing into one part of the City, staff has decided to review these on a case by case basis to ensure the quality of the project and the location of the project meet our fair share goals.

Mr. McBride reviewed Community Plan related polices.

Mr. McBride stated staff recommends approval of this resolution to support a mixed-income workforce housing development at 200 S. Mallory Street. He then opened the floor for questions and/or comments from those on the dais. No questions or comments were posed.

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

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

15. [18-0319](#) Resolution Approving a Cooperation Agreement Between the City of Hampton, Virginia and the Economic Development Authority of the City of Hampton, Virginia and Authorizing the Execution of That Agreement and Related Documents to Facilitate the Acquisition of Certain Parcels in the Coliseum Central Area Located at 1805 West Mercury Boulevard and 1929 Coliseum Drive (LRSNs 7001258, 13002076, and 13002078)

Attachments: [Agreement](#)

The Clerk read the title for this item.

Ms. Bunting made the following statement regarding the item: the City's Economic Development Authority (EDA) has authorized a purchase agreement for the acquisition of the Quality Inn property at the intersection of Mercury Boulevard and Coliseum Drive. The redevelopment of Coliseum Drive has been identified as a Council Strategic Priority and this acquisition supports that priority. Council is being asked to approve a cooperation agreement. A cooperation agreement is necessary for the City to cooperatively provide personnel and strategic support as necessary for the EDA to fulfill its obligations and exercise certain rights under the purchase agreement and to provide sufficient funds to the EDA subject to appropriation to perform and administer their obligations under the purchase agreement. For the record, the purchase price for the hotel is \$5,635,000 which is just slightly over the current collective assessed value of the parcels to be acquired for \$5,559,400. It is important to note that the City will be working in cooperation with the EDA to demolish the hotel as soon as possible; however, we will work to continue to support the leases that are in place for those tenants in the suites at 1929 Coliseum Drive. We have several City businesses that are currently in those lease spaces. We want to keep them as City of Hampton businesses, so we will honor the leases that they have in place and we will work to find them other appropriate locations in the City before proceeding with any demolition of that property.

Ms. Bunting noted that Interim Director of Economic Development Steven Lynch, Senior Deputy City Attorney Patricia Melochick and Assistant City Manager Brian DeProfio were available to answer questions from those on the dais. No questions or comments were posed.

Presented by Mary Bunting, City Manager. A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Resolution be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Appointments

The Clerk read the motion required for the appointments.

16. [18-0231](#) Consideration of an appointment to the Planning Commission

A motion was made by Councilmember Eleanor Weston Brown that Dr. Trina Coleman be reappointed to her first full term expiring on September 30, 2022. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

17. [18-0262](#) Designation of Hampton's Voting Delegate and Alternate Voting Delegate for the Virginia Municipal League (VML) Annual Business Meeting

A motion was made by Councilmember Eleanor Weston Brown that Mayor Tuck be appointed as the Delegate and Vice Mayor Gray be appointed as the Alternate Delegate. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

18. [18-0301](#) Consideration of appointments to Peninsula Agency on Aging Board of Directors

A motion was made by Councilmember Eleanor Weston Brown that Wendall Braxton be reappointed to his second term expiring on September 30, 2021. The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

19. [18-0303](#) Consideration of appointments to Hampton Redevelopment & Housing Authority (HRHA)
- A motion was made by Councilmember Eleanor Weston Brown that Jimmy Eason be reappointed to his second term expiring on September 30, 2022. The motion carried by the following vote:
- Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

20. [18-0302](#) Consideration of appointments to Hampton Employees Retirement System Board (HERS)
- A motion was made by Councilmember Eleanor Weston Brown to appoint Brian DeProfio as the City Manager's Representative. The motion carried by the following vote:
- Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead
- A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment, with the exception of the City Manager's representative, be deferred to the City Council Legislative Session, due back on 10/24/2018. The motion carried by the following vote:
- Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting reported on an unsolicited proposal received from a company that is interested in building the proposed Aquatics Center under the Public Private Educational Facilities and Infrastructure Act of 2002 (PPEA).

Ms. Bunting made the following statement outlining the process: PPEA was set up by the General Assembly to allow a public entity to enter into public private partnerships for the development of certain qualifying public use projects. The aquatics facility that has been under consideration and was approved by the prior Council would be one of those qualifying projects. What happens when we receive

a PPEA is that the Code requires us to determine what other interest there might be for such a project. It requires that rather than just entertaining conversations with the one potential company that we allow other companies a similar opportunity to propose. That is what we will be doing as the State law does require that. The State law requires us to post the project elements that are non-proprietary. We cannot share the company's particular pricing structure, for instance, but to post the general elements of the proposal and to give a minimum of 45 days to allow other companies to respond. Posting the project does not commit us to do anything; it doesn't require us to go with that company that initiated the process; it doesn't require us to go with any other companies that might respond to the process - it just gives the community and the Council the opportunity to see what interest and at what price there is a willingness to build such a facility. This is an important piece of information for the community because we have heard various projections ranging everywhere from \$20-\$50 million for the building of a facility that we started looking at because we had committed to replace the Old Hampton Community Center pool that was torn down when that building aged out of its functional life. By posting this, we will be able to get a real price that a company will be able to build a facility for.

Ms. Bunting stressed that the mere posting of this (which we plan to do in the next couple of days) does not obligate the community in any way, shape or form to proceed with such a project. It allows us to gather additional information. Our plan is to post that. Once we complete the receipt of information whether from one company or multiple companies, staff will present the information to the public and Council. She said it has always been our intention on such big projects to share information widely with the public and perhaps to have additional public meetings outside of the Council meeting room. She noted that we are going to post for longer than 45 days because we believe a project of this magnitude would require 60-90 days for companies to provide a meaningful price structure for us to consider. She continued stating that with the Christmas holiday, we have decided to post this and have returns by December 20th allowing time between December 20th and the start of the year for staff to ensure we have all of the necessary information. She noted that she anticipates staff bringing that information to Council and the community early in the New Year.

Ms. Bunting opened the floor for questions and/or comments. No questions or comments were posed.

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 8:18 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 _____