



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 11, 2019

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.

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 Brown

Councilwoman Brown shared a poem written by Mark Sandlin in commemoration of September 11, 2001.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck recognized Thomas J. Savage, Jr. for his many years of service to the City of Hampton, then read and presented him with a proclamation.

Kraig Cole, Vice Chairman of the Hampton Cup Regatta, was called upon by the Mayor to provide information on the Regatta which will take place on Mill Creek next weekend. He was accompanied by several committee members and they presented the Mayor and members of City Council with a print of this year's t-shirt design.

Mayor Tuck stated that three years ago he got a ride in one of the speed boats and his preference now is paddleboats. He noted that the races are truly outstanding and well run.

Mr. Cole stated that whenever the news crews come out to interview the race teams they all talk about how welcome they feel here.

Mayor Tuck announced that item 14 19-0262 will be deferred to October 9, 2019. Clerk of Council Katherine Glass announced there were no speakers signed up for that item.

Mayor Tuck asked City Manager Mary Bunting to speak on the items on the agenda regarding Hurricane Dorian.

Ms. Bunting gave a brief statement and asked Council to ratify those items.

Ms. Bunting thanked all the first responders, the Emergency Management Team, Social Services shelter workers and all the volunteers for their efforts during the storm and stated that we are still in hurricane season and urged people to be prepared.

14. [19-0262](#) Resolution Authorizing the Renewal of a Franchise to Crown Castle Fiber, LLC, Successor in Interest to NewPath Networks, LLC, to Occupy and Use the Streets, Alleys, Public Places and Rights of Way of the City of Hampton, Virginia Within Its Corporate Limits to Install, Maintain, Upgrade, Repair, and Remove Poles, Cable, Optical Fibers, Wires, Electrical Conductors, Conduits, Subways, Manholes, and Other Equipment and Fixtures of a Telecommunications System in the Corporate Limits of the City of Hampton, Virginia

Attachments: [10-08-14 Ordinance Granting Franchise](#)
[01-25-19 Request to Renew](#)

There were no speakers on the public hearing.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Resolution be deferred to the City Council Legislative Session, due back on 10/9/2019. 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

CONSENT AGENDA

Clerk of Council Katherine Glass read the protocol for the consent agenda and a summary of the consent items.

Approval of the Consent Agenda

Motion made by Councilmember Curtis, seconded by Councilmember Hobbs, 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

1. [19-0250](#) Resolution of the City Council of the City of Hampton, Virginia Confirming the Declaration of a Local Emergency Made Necessary by "Hurricane Dorian"

Attachments: [Declaration of Local Emergency_HurricaneDorian](#)

Item approved.

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

2. [19-0258](#) Ordinance Suspending Payment of Certain Fees Associated with Permits Required to Repair or Replace Structures Damaged By Hurricane Dorian

Item approved.

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

- [19-0261](#) Resolution of the Council of the City of Hampton, Virginia Confirming the Order Terminating on September 7, 2019, the Declaration of Local Emergency Declared by the Hampton

Director of Emergency Services Effective September 3, 2019,
Due to Hurricane Dorian.

Attachments: [Termination Order](#)

Item approved.

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

3. [19-0266](#) Resolution to Accept \$2,550.00 in Revenue Funds from an
Assigned General Fund Balance Account Dedicated to the
Women in Public Service (WIPS) Conference and Appropriating
Those Funds to the Fire Department Budget to a Service
Specifically for the WIPS Conference

Attachments: [Deposit Slip for WIPS Funds](#)

Item approved.

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

4. [19-0273](#) Resolution to Amend the Fiscal Year 2020 Council Approved
Budget and Accept and Appropriate to the Grant Fund the
"Parcel-Level" Green Infrastructure Solutions Grant Awarded By
the Chesapeake Bay Foundation

Attachments: [Scope of Work](#)
[CBF SubAward Agreement](#)

Item approved.

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

5. [19-0265](#) Resolution Determining that Teleflex be the Only Source
Practicably Available From Which to Procure the AirTraq Optical
Laryngoscope product line and Authorizing the Negotiation and
Execution of a Purchase Contract with Teleflex as the "Sole
Source"

Attachments: [AirTracq Sole Source Declaration](#)
[Teleflex Sole Source for AirTracq](#)

Item approved.

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

6. [19-0278](#) Resolution Naming the Football Field Located in the Y.H. Thomas Community Center in Honor of Irvin Braxton, a Founder of the Y.H. Thomas Athletic Association and Ratifying Previous Namings at Y.H. Thomas Community Center

Item approved.

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

7. [19-0248](#) Approval of the minutes from the special, work, and legislative sessions of August 14, 2019.

Item approved.

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

8. [19-0245](#) Approval of Hampton City Council Meeting Calendar for 2020

Attachments: [Draft Council Calendar - 2020](#)

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Clerk of Council Katherine Glass read the protocol for public hearings and introduced each item.

Bond Items

9. [19-0268](#) Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds of the City of Hampton, Virginia in the

Maximum Principal Amount Not to Exceed \$66,350,000 to Finance Certain Public Improvement Projects and General Obligation Refunding Bonds in the Maximum Principal Amount of \$19,530,000 to Refund Certain Previously Issued Bonds, and Providing for the Form, Details, and Payment of Such Bonds

Attachments: [2019 GO Bonds - File 19-0268](#)
[2019 GO Bonds - File 19-0268](#)
[FY2019 GO Bonds Official Record](#)

City Manager Mary Bunting gave a brief statement regarding the resolution before Council to authorize the issuance of General Obligation Public Improvement Bonds. Ms. Bunting also acknowledged the presence of the City's Bond Counsel George Scruggs and David Rosen with Davenport and Associates to answer any questions Council may have. It was the recommendation that Council approve the bond issuance to implement the approved FY2020 Capital Improvement Projects.

As there were no speakers, Mayor Tuck opened and closed the Public Hearing.

George Scruggs, Bond Counsel, and David Rosen, Davenport and Associates were present. There were no speakers on the public hearing.

A motion was made by Councilmember Linda Curtis 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

10. [19-0210](#) Resolution Approving the Issuance of Tax Exempt Revenue Bonds by the Economic Development Authority of Montgomery County, Virginia for the benefit of Virginia Tech Foundation, Inc.

Attachments: [Daily Press Ad 8-29-19](#)
[Daily Press Ad 9-5-19](#)
[Daily Press Proof - 9-11-19](#)

City Manager Mary Bunting gave a brief statement on the request from the Virginia Tech Foundation, Inc. to the Economic Development Authority of Montgomery County to issue certain revenue bonds to assist the Foundation with their capital

improvement projects for the year. One of those projects is the building of a new Seafood Agricultural Research and Extension Center (AREC) here in Hampton.

As there were no speakers, Mayor Tuck opened and closed the Public Hearing

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

Ordinances

11. [19-0259](#) Ordinance To Amend And Re-Enact Chapter 2 Section 2-2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining To Add a Definitions of Storage Facility 1, Storage Facility 2, Storage Facility 3, and Warehouse/Distribution Center

Attachments: [Ch 2 Definitions - Red Lines](#)
[Presentation](#)
[Resolution](#)

City Manager Mary Bunting introduced Senior Planner Tolu Ibikunle who made a joint presentation of items 19-0259, 19-0260 and 19-0263.

A motion was made by Councilmember Linda Curtis 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

12. [19-0260](#) Ordinance To Amend And Re-Enact Chapter 3 Sections 3-1, 3-2, and 3-3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-1 Pertaining To Uses Permitted In General, Section 3-2 Table of Uses Permitted, and Section 3-3 Additional Standards for Storage Facilities

Attachments: [Ch 3 Uses Permitted - Red Lines](#)

[Use Table - Red Lines](#)

[Use Table - Clean](#)

[Presentation](#)

[Resolution](#)

A joint presentation was given by Tolu Ibikunle, City Planner, on items 19-0259, 19-0260, and 19-0263.

There were no speakers on these public hearing items.

A motion was made by Councilmember Linda Curtis seconded by Councilmember Chris Snead, 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

13. [19-0263](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 9-23 Entitled "Modifications to Permitted Uses" Pertaining to Prohibited Uses in the Coliseum Central Overlay

Attachments: [O-CC Storage Facilities - Red Lines](#)

[Presentation](#)

[Resolution](#)

A joint presentation was given by Tolu Ibikunle, City Planner, on items 19-0259, 19-0260, and 19-0263.

There were no speakers on these public hearing items.

A motion was made by Councilmember Linda Curtis seconded by Councilmember Steven Brown, 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

Resolutions

PUBLIC COMMENT

Clerk of Council Katherine Glass read the protocol for the public comment.

Jonathan Romero addressed Council and handed out a sheet outlining the points made by the following statement: I will try to make this as brief as possible. The issue is the new Phoebus neighborhood traffic pattern.

First, I would like to thank you for allowing me to speak and hearing my issue. What I wanted to do is - this is the issue but I also wanted to bring you solutions that I thought were amenable to taking a look at, hopefully adopting some of them. My wife and I have lived in the Phoebus neighborhood for seven years. We moved from Poquoson and we are strong stewards of the neighborhood, we love our neighborhood and we try to be active participates and proud Hamptonians. We plan on being here for the rest of our lives. With that being said, our oldest son is twenty-five and he works at Signature Canvas in Phoebus; my son who is seven attends St. Mary's Star of the Sea and I am able to walk him to school. I live on Mill Creek Terrace. My youngest son who is two, and I understand there is a big gap in my kids' ages, attends Mom's Tots Spot on Fort Monroe.

I work at Hampton University as an instructor and my wife works at the Virginia Medical Center so our whole sphere of interaction is Phoebus. We truly enjoy the neighborhood.

Our quality of life is negatively impacted by the neighborhood traffic pattern and as such my wife yesterday just received a warning ticket because she was leaving Downes Street and tried to turn left onto Mallory. When we discussed it, there are two other people on our street that also received warning tickets. I understand and applaud the effort to try to minimize the traffic pattern, and understand a lot of these apps are forcing folks into the neighborhood and it is an issue but I was hoping that we could take another look at it. Again, I applaud the effort just like I applaud the effort on the bridge, Booker T. Washington Bridge, to push the traffic to where it needs to go at that intersection. What I think are some solutions that might be able to work or at least take a look at. The pattern is that you cannot take a left on Downes Street onto South Mallory between 4:00 p.m. and 6:00 p.m. which negatively impacts the neighborhood. There are other folks coming from other neighborhoods that do not have that issue because they have the option to go a different direction. We do not have that option. That option has now been taken away from us. I thought a possible solution could be that Phoebus residents can purchase permit stickers. I understand that there is a cost involved and thought for

the cost of the stickers the residents could purchase four stickers for your family; you can purchase up to twenty one-day permits in accumulative of thirty-two weeks of weekly permits. The rationale for that is that you can have permits for your personal vehicles, if you have get-togethers they would get the one day or if you have folks long term or a rental car they would get those weekly stickers. That would be a total of thirty two weeks per year. The stickers would be affixed to the front and to the back of the vehicles just to expedite the police checking your vehicle. They would see that you have those stickers and they would not bother the local residents. For any business owners, for a nominal fee they receive three stickers for their personal vehicles and five for delivery vehicles. For teachers, medical caregivers and handicapped folks they would receive two at no cost to them.

Mayor Tuck stated that Mr. Romero's time is up and thanked him for his comments and the challenges it brings for the residents in Phoebus.

The Mayor continued by stating that Mr. Romero wants permits for those wanting to legally make this turn. However, in order to gauge whether or not someone has a permit and can legally make this turn during the posted hours of 2:00 p.m. and 6:00 p.m. would require someone being there physically checking each vehicle. In other words, the City would need to post a traffic officer at about seven locations in addition to other locations with some frequency and would need to devote eleven police officers and or cadets to traffic enforcement and the City does not have the resources to do that.

Mayor Tuck offered to speak with Mr. Romero after the meeting and advised Mr. Romero that what the City received from the residents and business owners of Phoebus was that when drivers are cutting through when there is a backup on the interstate it impedes the traffic and people cannot conduct business and it also becomes difficult for individuals who live there to get home. Mayor Tuck gave him some legal alternate routes and described how others are impacted and that the commute is longer for a number of drivers because of individuals who are being directed by the apps to get off the interstate and come through downtown, Mercury or Phoebus. It is an awkward situation that will only get worse until the expansion of the Hampton Roads Bridge Tunnel.

Mayor Tuck noted that one of things we hope it will do is to make it challenging and inconvenient to get off the interstate and for people to realize there is no time savings and then perhaps adjust the traffic patterns but in the short run the best we can do is putting a sign up enforcing the no left turn between 2:00 p.m. and 6:00 p.m.

City Manager Mary Bunting offered to sit down with the Public Works Director Jason Mitchell to discuss different ideas.

GENERAL ITEMS

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____