



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 Linda D. Curtis
Councilmember Jimmy Gray
Councilmember W.H. "Billy" Hobbs
Councilmember Will Moffett
Councilmember Teresa V. Schmidt
Councilmember Chris Snead

STAFF: Mary Bunting, City Manager
Vanessa T. Valldejuli, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, February 14, 2018

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. with all members of the City Council present.

Present: 7 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead, Councilmember Will Moffett, Councilmember Teresa V. Schmidt and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Vice Mayor Curtis

Vice Mayor Curtis gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck introduced Executive Director Marissa Nahill with the American Red Cross. Ms. Nahill stated she appreciated the opportunity to be here, serve the community and to announce the need for volunteers and for blood donors as there is a severe shortage due to the flu and winter storms. She introduced Disaster Program Specialist Lisa Mike who spoke about Disaster Programs where the American Red Cross, along with volunteers, respond to fires within the City. She noted that we average three to four fires a month. The Sound the Alarm - Save a Life Program is where volunteers of the program install free smoke alarms in communities across the country and educate on home fire safety. She spoke about ways the City could partner with the American Red Cross as disaster action team

members and participate with the American Red Cross in the Sound the Alarm - Save a Life Program. She spoke about the Home Fire Campaign which is an ongoing program they hope to develop in partnership with the Hampton Fire Department. She stated Sound the Alarm is hosting an event on May 5th and invited Council to attend and them an introduction to the program and indicated that flyers are on the back table.

Mayor Tuck thanked Ms. Nahill and Ms. Mike for their efforts to help residents stay safe in their homes and recognized that the American Red Cross does so many things that benefit communities.

Mayor Tuck introduced Ms. Aria Hill, a senior at Hampton University, who founded a nonprofit named Service Spree that provides and schedules assistance for social service organizations throughout the seven cities of the Virginia Peninsula. It is the link between those in need and those who desire to serve. Service Spree has established a strong relationship with various nonprofit organizations by planning, organizing, and being a part of multiple service projects. The ultimate goal of Service Spree is to never leave a service project helpless. Mayor Tuck presented Ms. Hill with a City coin.

Ms. Vanessa Valdejuli, City Attorney, announced that she will be retiring on June 30, 2018. She shared that her primary reason for retiring after practicing law for 31 years, 27 of those in municipal service, is because of ongoing knee issues which require surgery in June and the need for assisting with the care of her aging mother. Ms. Valdejuli shared some statistics from her service over the past four years as City Attorney and expressed her thanks to the City Council and City staff for their support.

Mayor Tuck thanked Ms. Valdejuli for what she has done for the City and acknowledged that she saved the City a great deal of money in legal fees.

CONSENT AGENDA

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

Ms. Glass stated the applicant has requested that item 9 - 18-0063 Resolution Authorizing the Grant of an Encroachment be removed from the agenda.

9. [18-0063](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to John J. Bongiorno, Comprising

162 Square Feet, More or Less, for Portions of a Garage, Driveway, and Fence in the Public Right-of-Way of Courtland Avenue, Adjacent to 2215 Bay Avenue (LRSN 1003311)

Attachments: [Encroachment](#)

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Resolution be removed from the agenda. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Approval of the Consent Agenda

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

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

1. [17-0349](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016 Continuum of Care (CoC) Housing Crisis Hotline Grant through the U. S. Department of Housing and Urban Development (HUD)

Attachments: [GVPHC CoC Submission 2016](#)
[CoC Submission Memo.pdf](#)
[CoC Program Grant Agreement](#)
[CoC Regional Housing Crisis Hotline grant packet FY18.pdf](#)

item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

2. [18-0050](#) Resolution Approving the City of Hampton, Virginia's Participation In and Appropriation of the Byrne/JAG Law Enforcement/First Responders Cooperative Response Projects Grant

Attachments: [Award Letter](#)

Grant Routing

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

3. [18-0051](#) Resolution to Amend the Fiscal Year 2018 Budget and Appropriate the Byrne/JAG Program Police Officer Safety and Wellness Grant in the Amount of \$25,000.00 Awarded by the Commonwealth of Virginia Department of Criminal Justice Services for Use by the City of Hampton Police Division

Attachments: [Award Letter](#)

Grant Routing

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

4. [18-0053](#) Resolution Approving Fiscal Year 2018 Second Quarter Budget Adjustments

Attachments: [FY18 2nd Qtr Budget Adjustments](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

5. [18-0056](#) Resolution to Appropriate the Additional Allocation from the Virginia Department of Transportation for the Fiscal Year 2018 Urban Maintenance Program

Attachments: [February 14, 2017 - R-2018-0056 \(Calculations for FY2018 Maintenance Funds\).xlsx](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

6. [18-0057](#) Approval of the minutes from the legislative session of December 13, 2017, the special and work sessions of January 10, 2018, and the work, ceremonial and legislative sessions of January 24, 2018.

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

7. [18-0060](#) Resolution to Amend the Fiscal Year 2018 Budget and Appropriate \$1,000,000 of Funds from the Virginia Department of Transportation (VDOT) to the Capital Project Fund for Construction Costs to Repave Portions of Fox Hill Road and Settler's Landing Road

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

8. [18-0062](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to John A. Will, Comprising 1,015 Square Feet, More or Less, for Plantings, a Fence, Wooden Steps, and Stone and Gravel for Parking in the Public Right-of-Way of N. First Street, Adjacent to 840 N. First Street (LRSN 12007588)

Attachments: [Encroachment](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

10. [18-0064](#) Resolution Approving a Utility Easement to Virginia Electric and

Power Company, Doing Business as Dominion Energy Virginia (“Dominion”), for a 15’ x 196’ Easement (Totaling 2,940 Square Feet), More or Less, on City Property Located at 45 Ambrose Lane (LRSN 12006002) for the Transmission and Distribution of Electrical Power as a Part of Dominion’s Strategic Underground Program

Attachments: [Easement](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

11. [18-0065](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 24, Offenses-Miscellaneous, Article I, In General, Sec. 24-6 and 24-7 to make the City Code consistent with state laws.

Attachments: [Redline](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

12. [18-0066](#) Resolution to Amend the Fiscal Year 2018 Budget to Accept and Appropriate Forty-Nine Thousand and 00/00 Dollars (\$49,000) in Grant Funds Awarded to Hampton Division of Fire & Rescue by the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Fiscal Year 2017 Hampton Roads Urban Area Security Initiative (HRUASI) CFDA 97.067 Grant Program

Attachments: [Award Letter](#)
[Routing Sheet](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Ms. Glass read the protocol for the Public Hearing Session

Ordinances

Resolutions

13. [17-0387](#) Resolution (i) Authorizing the Execution of an Amended and Restated Memorandum of Understanding by and Among the Peninsula Town Center Community Development Authority and T Peninsula Axis VA, LLC, T Peninsula Hotel VA, LLC, and Peninsula Parking Lot VA, LLC and an Amended and Restated Collection Agreement With the Peninsula Town Center Community Development Authority and the Successors and Assigns of Hampton Mall Associates, J. C. Penney Properties, Inc., and Target Corporation in Connection With the Issuance of Special Obligation Refunding Bonds, Series 2018, and (ii) Approving the Issuance of the Series 2018 Bonds by the Community Development Authority

Attachments: [Presentation](#)

Mayor Tuck called on City Manager Mary Bunting to explain why items 13 and 14 are being deferred indefinitely.

City Manager Mary Bunting responded that these two actions are a refunding of the Community Development Authority (CDA) special obligation notes. The purpose of the refunding is to take advantage of better interest rates and to reduce the annual debt service costs of the current outstanding bonds. Once needed documents have been received these items will be added back onto the agenda.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that 17-0387 and 17-0338 be deferred to the City Council Legislative Session with an indefinite date of return. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

14. [17-0388](#) Ordinance Amending Non-Coded Ordinance Number 1026 as Amended by Non-Coded Ordinance Number 1043 Entitled "Ordinance Establishing a Special Assessment for the Peninsula Town Center Community Development Authority and Authorizing an Amended and Restated Collection Agreement with the Community Development Authority"

Attachments: [Presentation](#)

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that 17-0387 and 17-0338 be deferred to the City Council Legislative Session with an indefinite date of return. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

15. [18-0061](#) Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Easement Takes, Pursuant to §§ 25.1-100, Et Seq. and 15.2-1901, Et Seq. of the Code of Virginia of 1950, as Amended, from Portions of Five Parcels -- 1991 E. Pembroke Avenue (LRSN 12008626), 1985 E. Pembroke Avenue (LRSN 12004072), 1947 E. Pembroke Avenue (LRSN 12004070), 1968 E. Pembroke Avenue (LRSN 12004062), and a vacant lot on E. Pembroke Avenue (LRSN 12004097) -- for the Pembroke Streetscapes Phase III Improvement Project

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

Mayor Tuck recused himself from this item and passed the gavel to Vice Mayor Curtis. Vice Mayor Curtis introduced City Manager Mary Bunting who gave a brief explanation and introduced Right of Way Agent Cindy Hurr who gave a presentation.

Councilwoman Schmidt asked if there is a sidewalk all the way down except in front of the motel?

Ms. Hurr asked the Project Manager Phillippe Fenouil to respond. Mr. Fenouil responded that there are five foot continuous sidewalks on both sides of the road.

Councilwoman Schmidt asked if the project is to add a sidewalk or is there already a sidewalk.

Mr. Fenouil responded that there are existing sidewalks on both sides and the proposed project is to put the same sidewalk in a slightly different location.

Vice Mayor Curtis opened the public hearing.

Mr. Pickin signed up to speak and stated that he is working with staff and is happy.

Councilman Gray asked Mr. Picken if he was satisfied with where he is with the situation and requested further explanation.

Mr. Picken stated that it was discussed with staff tonight to work things through to find a solution. His concern is the island being placed in front of his business not leaving enough room for tractor trailers to make deliveries.

Councilwoman Schmidt stated she understood that when the design is completed there would be room for Mr. Picken to have a tractor trailer come in and out of his business.

Mr. Picken stated that currently the tractor trailer has to go through Tread Quarters and across the front of his building in order to get a fork lift into the back of the trailer. If an island is placed in front of the business the driver will not be able to make a right hand turn.

Vice Mayor Curtis closed the public hearing.

A public hearing was held with John Pickin being the only individual signed up to speak. Mr. Pickin responded to a few questions from members of City Council.

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

Aye: 5 - Vice Mayor Curtis, Councilmember Hobbs,
Councilmember Snead, Councilmember Moffett and
Councilmember Schmidt

Nay: 1 - Councilmember Gray

Recuse: 1 - Mayor Tuck

16. [18-0067](#) Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of an Easement Take, Pursuant to §§ 25.1-100, Et Seq. and 15.2-1901, Et Seq. of the Code of Virginia of 1950, as Amended, from a Portion of 37 Northampton Drive (LRSN 4000743) for the Northampton Area Drainage Improvements Project

Attachments: [Exhibit 1](#)
[Exhibit 2](#)
[Presentation](#)

City Manager Mary Bunting gave a brief explanation and introduced Right Away Agent Cindy Hurr who made a presentation.

Councilman Hobbs asked about the property which refused to give right of way and asked what exactly needs to be done to the property to be usable for the drainage ditch.

Stormwater Manager Brian Lewis stated there is a ten foot easement in front of the property to install a forty-eight inch pipe and the rest of the easement is needed to install the pipe. Due to the other utilities that are underground in that area the City does not have room within the right of way to install the pipe.

Councilman Hobbs confirmed with Mr. Lewis that once the pipe has been installed the property would be put back just as it was. Mr. Lewis commented that the property would probably be returned in better shape than it had been.

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

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that this Resolution be approved. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

PUBLIC COMMENT

Mayor Tuck opened the Public Comment period. Ms. Katherine Glass read the protocol for the Public Comment Period.

Mr. Hugh Bassette introduced himself and stated he is speaking for the Hampton Citizens' Coalition with the following comment. A lot of Hampton citizens, especially senior citizens, are getting concerned about the number of shootings that have taken place. This has been an issue before. Usually when we look at the use of firearms we look at homicides, we want to look at the whole thing - shootings as well as homicides. We did a little research from the Daily Press from November 25th to February 13th and there were eighteen different shootings during that period of time and it was eighty one days. So you are talking about a shooting every fourth or fifth day. The last one was Monday, somebody got shot at a house party. Now if I had the solution to shootings because this is not unique to Hampton as you know it is all over this country. I do not know what in the world is going on that people decide to solve their problems by shooting somebody, but we can't get used to it and think it is going to go away. It is not going away. It has been consistent since I have been in Hampton for the last ten years. Sooner or later everybody that is going to shoot somebody will shoot them and that would be it but it keeps going on and on and on. Like I say, I don't have the solution to it but I think we shouldn't just sit back and say well this is just the way of life and how things are going to be. I saw a little bit of the work session this morning and the Police Chief was talking about crime in the area and probably covered this so you are the ones who decided to get elected to work on our problems, so we are throwing this in your lap and we are willing to work with you on it and offer our suggestions. We have a plan but I do not want to go into that. As politicians, if you don't read the paper everyday then you do not deserve to be sitting in those seats. So I know you are quite well aware of what is going on and you know it is going on everywhere. What to do about it, if I knew that I would be a millionaire. I could go all around this country saying here is the solution, pay me. I think we need to work with the Police Chief, the Commonwealth Attorney's Office and any other parties that are involved. Like I say, it is getting to the point where I am half way scared to come out of my house. I had a shooting next door to my house. I used to like to sit out on my porch and a guy working on my yard-found a bullet hole in the fence right where I sit on the porch. If it is not in your neighborhood, if it does not stop, it will be there count on it sooner or later. This stuff does not just stay in an isolated part of town. That is another thing, it is not in

one part of Hampton it is all over. If it was concentrated in one area it would probably be easier to work with. I don't know if society just went crazy but like I say I think we need to look at it to see if we can find some kind of solution to reduce the number of shootings. We are having problems getting people to come to our meetings because they do not want to come out at night because they do not feel safe. Thank you.

Ms. Misty Collins made the following comment. The reason for my visit this evening is because I am requesting that the Police Department get more funding or manpower for Animal Control. Yesterday at 5:45 p.m. a citizen was on her way home and saw a cat hit by a car. She saw the cat (made hand gestures that the cat flipped up in the air) which was extremely upsetting for her so she calls dispatch and they said they would send somebody out. However, the call between dispatch and it was 5:45 when she called and it was after 6:00 when Animal Control was actually dispatched. Officer responded, could not find the animal so she went to work the next morning and came across the same cat and the cat was deceased. I am not trying to blast Animal Control but with four officers in the City of 137,000 that is like one officer for over 30,000 people and not that everyone has an animal but they are spread too thinly. I know they are understaffed, they are undertrained but it is an issue for the City. We are responsible for those voiceless - they get paid to do a certain job but they need more people, they need more training they are spread too thin, they really are. I know it is under the Police Department but I do not think there is enough focus on them, their training, their income because it is not a good job and the other thing is the hours. I know that will come with hiring but the lack of hours, they don't work on weekends, holidays. Do you not think that animals are suffering on a weekend. (The buzzer beeps). Does that mean I need to shut up?

Clerk of Council Katherine Glass informed Ms. Collins that her three minutes were up.

Ms. Collins continued to say she hoped for more funding than there is now.

Mayor Tuck stated he was going to try and address some of Mr. Bassette's comments and invited the City Manager to address both comments. Mayor Tuck stated that the City is equally concerned and that is partly why the Police Chief was asked to give a presentation. The City has tried to provide the Police Department with all the things needed to do an effective job in policing, prevention, investigations and arrests.

Mayor Tuck stated that this is partly random but for the most part it is people who are

known to each other and I am not sure if a shooting at a house party could be prevented or predicted.

Mayor Tuck commented that he believes it is a mindset that exists in the community. For whatever reason people feel the most convenient way or the easy way to solve a conflict is to get a gun and shoot somebody and act out aggression and violence.

Mayor Tuck continued that Council is making its best effort in supporting our Police Department and the Police Department is truly making its best effort for a safer community. Neither the City nor the Police Department can do it all by themselves.

City Manager Mary Bunting thanked Mayor Tuck for his eloquent remarks and reminded everyone that the City is having its third annual "Urgency of Now" community convening later this year. The City monitors and tracks the statistics and has a monthly crime meeting internally to look at hotspots.

Ms. Bunting emphasized that the City does take the shootings just as seriously as the homicides. The City is also looking into issues like overdoses from opiates and other illegal drugs whether or not a death occurred.

Ms. Bunting stated that more manning has been approved for Animal Control and a new officer was hired today.

Ms. Collins began to speak out loud and Mayor Tuck communicated to her that she could not speak and Ms. Bunting agreed to stay after the meeting to speak with her.

GENERAL ITEMS

Ordinances

Resolutions

Appointments

17. [17-0396](#) Consideration of appointments to Peninsula Stadium Authority
- A motion was made by Vice Mayor Curtis to appoint Linda Williams, Randy Price, and Christopher Wilcox to four year terms expiring on February 28, 2022. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

18. [18-0070](#) Consideration of appointments to Wetlands Board

A motion was made by Vice Mayor Curtis to appoint Claire Neubert and Lynne J. France to their first full terms expiring on February 28, 2022, Rich Foley to fill the unexpired portion of a term expiring on December 30, 2019, and James Mershon and Jane Mills as alternates. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

19. [18-0072](#) Consideration of appointments to Peninsula Airport Commission

Attachments: [Peninsula Airport Commission Applications UPDATED](#)

A motion was made by Vice Mayor Curtis to appoint James Joseph to serve the unexpired portion of a term until June 30, 2021. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

Councilman Moffett shared that, after eight years of service on the City Council, he will not be seeking re-election.

Mayor Tuck shared that he will hold a town hall meeting on Thursday, February 22nd from 6 p.m. until 8 p.m. at Westhampton Community Center.

The Mayor asked the City Manager to announce the opportunities that citizens have for input into the upcoming

budget. They are as follow:

Tuesday, February 20, 2018 - 6:30 p.m. - Hampton High School

Thursday, February 22, 2018 - 6:30 p.m. - on-line

Saturday, February 24, 2018 - 9 a.m. - Kecoughtan High School

Mayor Tuck reminded citizens of the importance of routine screening for prostate cancer.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____