



# City of Hampton, VA

## Meeting Minutes

### City Council

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

*W. H. "Billy" Hobbs, Jr.*  
*Will Moffett*  
*Chris Snead*  
*Molly Joseph Ward, Mayor*

*Christopher G. Stuart*  
*Donnie R. Tuck*  
*George E. Wallace*

*Staff:*  
*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, June 12, 2013

6:58 PM

Council Chambers, 8th Floor, City Hall

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#### **CALL TO ORDER/ROLL CALL**

#### **MOLLY JOSEPH WARD PRESIDED**

**PRESENT:** W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

#### **INVOCATION - Councilman Billy Hobbs**

#### **PLEDGE OF ALLEGIANCE TO FLAG**

#### **MAYOR'S COMMENTS**

Mayor Ward welcomed everyone to the meeting. She then called upon Councilman Stuart to recognize some special guests.

Councilman Stuart commented that one of our greatest assets in the community is our educators. He then recognized several teachers in attendance currently in the Master's Program at Old Dominion University (ODU) by having them stand. He thanked the teachers for everything that they do for our children and wished them good luck with their studies. Mayor Ward also thanked the teachers for being present.

Mayor Ward noted that Councilman Moffett was instrumental in organizing the call to action at the Y.H. Thomas Community Center and then called upon him to give remarks.

Councilman Moffett thanked Mayor Ward for allowing him to address the important issue of youth violence that has been taking place in our community. He stated that while it is estimated that 90 percent of our young people are doing well, it is the other 5 to 10 percent that can disrupt the quality of life for our community. He thanked Mayor Ward and Newport News Mayor McKinley Price for their leadership in recognizing that the issue of violence by young people is not just an issue of concern for Hampton and/or Newport News, but is also a regional, national, and international issue. He said we believe that Hampton is a great City in which to live, work and raise a family, and we will not be willfully blind to senseless acts of violence. He said this community has made it

very clear that we will not remain silent, and we will mobilize and defend quality of life for our families, for our children and for our grandchildren.

Councilman Moffett thanked the citizens of Hampton and the citizens from our region for their overwhelming response to Hampton's "call to action" community meeting. He acknowledged and thanked the Hampton City Council Members, City Manager, School Board, School Superintendent, Police Department, Constitutional officers and community leaders and volunteers for standing shoulder to shoulder with the citizens in the "call to action" meeting.

Councilman Moffett gave special thanks to the excellent work of all of the City staff and all of our volunteers who worked non-stop behind the scenes to support the "call to action" community meeting. He noted that the meeting was organized in four days and exceeded expectations with regards to citizen participation, and the after action response from citizens who have expressed a desire to become involved has been absolutely amazing. However, the reality is that while government has a role to play, this issue of youth violence prevention is a community problem and solutions must come from the community which will now begin its work of finding best practices and solutions to reduce and prevent youth violence.

Councilman Moffett thanked community leaders Mr. Steven Brown and Mr. Tommy Southall (who were in attendance and stood to be acknowledged) for accepting the challenge to lead the Community Coalition. He added that these gentlemen are proven leaders who love this City deeply and are qualified and ready to lead. He noted that they will be assisted with technical support from Ms. Michelle Woods Jones, Executive Director of the Hampton Citizens' Unity Commission. However, in order for the initiative to be successful, the support of every area of our community including practitioners, the business community, the faith community, law enforcement, parents, guardians, Parent and Teachers Associations (PTA), the School Division and other grass root organizations such as foundations, civic engagement and others will be required. He encouraged those who would like to volunteer or pledge their support to continue to call Hampton's 311 Call Center so that as the Community Coalition organizes its work, they will call on volunteers.

Councilman Moffett noted that some people may wonder how long this process will take and stated that the results will not come immediately, nor will we solve this issue within a few weeks. He continued stating that it may take years before we begin to see a measurable impact; however, faced with the option of not doing anything, the choice becomes clear that we must act now to protect, preserve and invest in our future.

Councilman Moffett acknowledged the expressions of support from the Offices of Congressmen Bobby Scott and Scott Rigell, State Senators John Miller and Mamie Locke, Delegates Jeion Ward, Gordon Helsel and Mamye BaCote, City of Newport News Mayor McKinley Price, the Newport News City Council, City of Portsmouth Mayor Kenneth Wright, Executive Director of the Peninsula Community Foundation of Virginia Michael Monteith, Hampton Council of PTA's, CEO and President of the Peninsula Chamber of Commerce Mike Kuhns, former Hampton City Manager and current CEO of the International City and County Managers Association Robert O'Neill, and President of the Community Building Institute (Washington D.C.) Bill Potapchuck.

Councilman Moffett also acknowledged the offers of support from the business community, the faith community, and non-profit and civic organizations. He apologized for time not allowing him to acknowledge all of the organizations and individuals who have extended their support and offered assistance.

Councilman Moffett extended apologies to the citizens who were offended and embarrassed by his presentation in dealing with an issue that is uncomfortable to discuss. He reached out to those who have reservations and encouraged them to bring solutions to the table to help shape the future.

Councilman Moffett closed his comments stating he believes in Hampton and if we can agree that Hampton is a great City worth standing for, then we should come together so that we all can grow and prosper. He closed saying May God bless you, our great City and these United States of America.

Mayor Ward noted that out of consideration for the numerous citizens who were in attendance item numbers 20 and 21 were discussed during the Mayor's Comments portion of the meeting. The discussion is documented under their listed item numbers in the minutes.

## CONSENT AGENDA

### Consent Items

Mayor Ward stated that Councilman Moffett requested item 17 be pulled from the consent agenda for discussion. She then called for the motion to approve items 1-16.

1. 13-0232 Approval of the minutes from the afternoon session and public comment session of April 10, 2013; the public comment and evening special meeting of April 24, 2013; and the evening special meeting of May 1, 2013.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

2. 13-0169 Ordinance To Amend And Reenact Chapter 5 Of The Code Of The City Of Hampton, "Animals", Article III "Dog And Cats Generally", Section 5-42 "Control Of Dangerous And Vicious Dogs; Penalties" And To Add Thereto A New Section 5-42.1 " Vicious Dogs; Penalties"

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

3. 13-0182 Resolution Appropriating \$7,677.53 in Interest Income Earned on the Virginia Public School Authority Qualified School Construction Bonds, Series 2010C to the Capital Projects Fund School Lighting Project.

**WHEREAS**, the City issued \$2,545,000 in General Obligation Virginia Public School Authority Bonds, Series 2010C on July 28, 2010; and

**WHEREAS**, the proceeds of the bonds were used to pay for the cost of lighting upgrades in the City schools; and

**WHEREAS**, \$7,677.53 in interest income was earned from the investment of the bond proceeds in the Virginia State Non Arbitrage Program (SNAP).

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:** that the sum of \$7,677.53 in interest income is hereby appropriated to the Capital Projects Fund School Lighting Project to provide additional funding for the project.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

4. 13-0183 Resolution Approving the Appropriation of Additional Funds to the Capital Projects Fund for VDOT CMAQ Project at Big Bethel Road and Radford Drive and Big Bethel Road and Hampton Roads Center Parkway.

**WHEREAS**, the City's adopted Capital Improvement Plan (CIP) for FY08 approved funding for VDOT Congestion Mitigation and Air Quality Funds (CMAQ) for installation of a new traffic signal at the intersection of Big Bethel Road and Radford Drive and an eastbound acceleration lane on Hampton Roads Center Parkway from northbound Big Bethel Road; and

**WHEREAS**, the construction phase cost is greater than the project costs adopted in the CIP and additional funds are necessary; and

**WHEREAS**, The Transportation Planning Organization of Hampton Roads (HRPTO) and VDOT have approved additional funding needed for the construction costs and these funds are reimbursable and are paid on a reimbursement basis following the expenditure of City funds; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:** that additional funding be appropriated in the amount of \$122,187 for Big Bethel Road and Radford Drive and \$158,487 for Big Bethel Road and Hampton Roads Center Parkway in the Capital Projects Fund.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

5. 13-0184 Resolution to Accept and Appropriate the 2013 Four-for-Life Aid to Locality Funds in the Amount of \$114,289.76 from the Commonwealth of Virginia--Office of Emergency Medical Services to the City of Hampton Division of Fire & Rescue.

**WHEREAS,** Section 46.2-694 of the Code of Virginia establishes a Four-for-Life Fund; and

**WHEREAS,** cities, counties, and towns providing emergency medical services to their citizens receive allocations from the aid to locality funds;

**WHEREAS,** the funds will be used for training of volunteer and career EMS personnel and for purchasing necessary EMS equipment and medical supplies for licensed, nonprofit EMS agencies.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:** that the 2013 Aid to Localities Four-for-Life funds in the amount of \$114,289.76 be approved and appropriated for the City of Hampton Division of Fire & Rescue.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

6. 13-0185 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2014 Public Safety Answering Point Grant

**WHEREAS,** the City of Hampton has been awarded the FY2014 Public Safety Answering Point Grant in the amount of \$2,000, with no match required; and

**WHEREAS,** the grant award covers the period 07/01/2013 through 06/30/2014;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the FY2014 Public Safety Answering Point Grant in

the amount of \$2,000, and any other supplemental funding, awarded/made by the Virginia E-911 Services Board in accordance with the grant agreement;

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager or his designee to take the necessary steps to implement this grant award.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

7. 13-0186 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Virginia Department of Forestry Virginia Trees for Clean Water Program

**WHEREAS**, the VA Department of Forestry has awarded \$2,100 for the Hampton Ridgeway Park Shoreline Stabilization and Planting Project; and

**WHEREAS**, the City of Hampton will utilize funds to create a tree buffer to stabilize the shoreline at Ridgeway Park to prevent further erosion and improve water quality in the Hampton River; and

**WHEREAS**, the City of Hampton has pledged \$8,798 of in-kind expenses to include staff time, materials, and supplies; and

**WHEREAS**, the grant award covers a 9-month period beginning on April 1, 2013;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates \$2,100 for the Virginia Department of Forestry Virginia Trees for Clean Water Project and \$8,798 of an in-kind match, in accordance with the grant agreement.

**BE IT FURTHER RESOLVED**, that the City Council authorizes the City Manager to take necessary steps to implement this award.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

8. 13-0187 Resolution Accepting and Appropriating Funds for the FY2014 Comprehensive Services Act Pools Funds

**BE IT RESOLVED** by the Council of the City of Hampton, Virginia, that the total Comprehensive Services Act Pool Funds in the amount of \$7,550,000 be appropriated

for the fiscal year beginning July 1, 2013 and ending June 30, 2014. In addition, the Council accepts any additional supplemental revenues from the state and Medicaid for the Funds Pool subject to the availability of local match.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

9. 13-0188 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2012 State Homeland Security Program Grant through the Virginia Department of Emergency Management

**WHEREAS**, the Virginia Department of Emergency Management has awarded a FY 2012 State Homeland Security Program Grant, Catalog of Federal Domestic Assistance Number 97.067 to the City of Hampton in the amount of \$25,000 with no match requirement; and

**WHEREAS**, the grant award covers the period from which the sub-grantee's signature of the grant award document and through 12/31/2013;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the FY 2012 State Homeland Security Program Grant, Catalog of Federal Domestic Assistance Number 97.067 in the amount of \$25,000 awarded by the Virginia Department of Emergency Management in accordance with the grant agreement;

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager or her designee to take the necessary steps to implement this grant award.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

10. 13-0189 Ordinance To Repeal Non-Coded Ordinance #1132 Suspending Payment Of Certain Fees Associated With Permits Required To Repair Or Replace Property Damage Occasioned By Hurricane "Sandy".

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward  
**Nays:** 0

11. 13-0190 Request for Abatement and/or Refund for Tax Year 2013

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

A copy of the request for abatement and/or refund for tax year 2013 is attached to the minutes.

12. 13-0191 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2012 Emergency Management Performance Grant through the Virginia Department of Emergency Management.

**WHEREAS**, the Virginia Department of Emergency Management has awarded a FY 2012 Emergency Management Performance Grant, Catalog of Federal Domestic Assistance Number 97.042 to the City of Hampton in the amount of \$43,565 with a 50% local in-kind match required which will be matched by the Emergency Management budget. This grant totals \$87,130 with the federal and local in-kind match combined; and

**WHEREAS**, the grant award covers the period from which the sub-grantee's signature of the grant award document and through 06/30/2013;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the FY 2012 Emergency Management Performance Grant, Catalog of Federal Domestic Assistance Number 97.042 in the amount of \$87,130, and any other supplemental funding, awarded by the Virginia Department of Emergency Management in accordance with the grant agreement;

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager or her designee to take the necessary steps to implement this grant award.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

13. 13-0212 Resolution Approving Adoption of the Comprehensive Roadside Management Program Under 24 VAC 30-121-10 Through -40 of the Virginia Administrative Code

**WHEREAS**, pursuant to 24 VAC 30-121-10 through -40 of the Virginia Administrative Code, the Comprehensive Roadside Management Program (the "Program") is administered by the Virginia Department of Transportation ("VDOT") to enable private businesses, civic organizations, communities, individuals, and local governments an opportunity to improve the appearance and safety of public rights of way and real property;

**WHEREAS**, benefits of the Program include but are not limited to (i) promotion of innovative public/private alliances to support the development of green stormwater infrastructure and best management practices; (ii) initiation of a process for the City, through a fully donation-funded and municipality-managed initiative, to beautify public rights of way and other public property; and (iii) an approach to boost civic and community pride;

**WHEREAS**, a unique opportunity also exists for expanding the Program to include a stormwater runoff treatment which, among other initiatives, enables the City to achieve progress toward meeting the federally mandated Chesapeake Bay total maximum daily load requirements to improve water quality through stormwater filtration and infiltration;

**WHEREAS**, in early July 2012, the City was awarded a \$150,000.00 grant through the National Fish and Wildlife Foundation for technical assistance to enable the City to develop and implement the Program;

**WHEREAS**, once adopted, the City will collaborate with a local non-profit organization to collect corporate and private donations to finance the construction, operation, and maintenance of landscaping projects along major corridors of City rights of way and other City property that will be designed to treat currently untreated runoff through improved landscaping and stormwater treatment;

**WHEREAS**, in exchange for donations from corporate and private organizations, donors shall have acknowledgement signs erected on public property, which signs shall include the participating entity's name and/or logo, and shall remain in place for a period of up to five (5) years with renewal options;

**WHEREAS**, the City assumes full responsibility for maintenance of the Program;  
and

**WHEREAS**, Council recognizes mutual benefits to the public and private sectors to be gleaned from successful establishment of a Comprehensive Roadside Management Program, that is, presenting advertisement opportunities to the private sector, providing an important tool for the City to meet stormwater runoff treatment requirements, and beautifying corridors within the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:**

1. That the City of Hampton hereby adopts the Comprehensive Roadside Management Program; and

2. That the City Manager is authorized and directed to execute all documents required under the Comprehensive Roadside Management Program, assume full maintenance responsibility thereunder, and comply with all rules and regulations detailed in VDOT's Comprehensive Roadside Management Program.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

14. 13-0216 Resolution Eliminating the City Debt Set-Off Review Panel and Tax Write-Off Committee and Establishing Instead the City Tax/Fee Collection Advisory Committee

**WHEREAS**, the Council of the City of Hampton, Virginia (the "City Council") has recognized for many years a so-called Debt Set-Off Review Panel tasked to address questions and challenges arising under state law enabling the City to collect delinquent taxes, fees and other debts owed the city by set-off of the debt against state tax refunds otherwise payable to the debtor (see Virginia Code Section 58.1-523, et seq.);

**WHEREAS**, the City Council established in 2004 on motion and at the request of the Hampton City Treasurer, a committee to consider write-off of delinquent taxes and fees deemed uncollectible, including for example, old tax accounts with no audit trail or historical record;

**WHEREAS**, the Debt Set-Off Review Panel and the Tax Write-off Committee have similar functions and require similar skill sets and interests, and share a largely common membership based on position, including the City Treasurer, City Commissioner of Revenue, the City Manager, as represented by a designated Assistant City Manager, (with the Tax Write-off Committee including as well two City Council members appointed by the Council, and the Debt Set-off Review Committee including a the City Attorney and a citizen appointee);

**WHEREAS**, the city manager submits and the Council recognizes that considerations of administrative efficiency in the management and implementation of city debt collection measures make it appropriate under these circumstances to consolidate the work of the Debt Set-off Review Panel and the Tax Write-Off Committee under a single committee which may be aptly named the City "Tax/Fee Collection Advisory Committee" to perform the duties of each of the former committees as described above.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hampton, Virginia that: (1) the Debt Set-off Review Panel and Tax Write-off Committee are hereby eliminated as separate bodies; (2) there is hereby created a committee to be known as the "Tax/Fee Collection Advisory Committee" which is charged with the duties of the former Debt Set-off Review Panel and Tax Write-off Committee as described in the recitals above and in the legislative record of this Council; and (3) that the Tax/Fee Collection Advisory Committee members shall include the City Treasurer, City

Commissioner of Revenue, the City Manager, Finance Director and the City Attorney, or the designees of each of these officers as assigned.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

15. 13-0218 Resolution Approving FY2013 3rd Quarter Budget Adjustments

**BE IT RESOLVED** by the City Council of the City of Hampton, Virginia that the attached third quarter budget adjustments pertaining to fiscal year 2013 be approved.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

A copy of the FY2013 3<sup>rd</sup> Quarter Budget Adjustments is attached to the minutes.

16. 13-0226 Resolution Of The City Council Of The City Of Hampton, Virginia, Pursuant To Virginia Code Section 37.2-504.A.11 Authorizing The Hampton-Newport News Community Services Board To Incur Certain Borrowing Obligations

**WHEREAS**, the City of Hampton, Virginia ("the City"), with the City of Newport News, Virginia established the Hampton-Newport News Community Services Board (the "Board") as required by Section 37.2-500 of the Code of Virginia, 1950, as amended; and

**WHEREAS**, the *Code of Virginia* (37.2-504 A (11)) permits Community Services Boards to apply for and accept loans as authorized by the governing body of each city or county that established it; and

**WHEREAS**, the Board maintains an annually renewable line of credit with TowneBank to provide flexibility of cash related operations; and

**WHEREAS**, by resolution of the Board the City Councils of Hampton and Newport News have been requested to authorize the Board to accept a renewal of the line of credit offered by TowneBank to the Board with an increase in the loan limit to three months of operating expenses as allowed by the 2013 Virginia Appropriations Act (315.F); and

**WHEREAS**, TowneBank will be requested to extend a commitment to renew the existing line of credit for an additional year under the same terms and

conditions applicable in the current year with a limit of up to three months of Board operating expenses or \$15,700,000; and

**WHEREAS**, the Executive Director and Board staff have determined that the current need for line of credit access is \$7,000,000; and

**WHEREAS**, the Board seeks the City's authorization solely to meet the statutory requirement for governing body approval; and

**WHEREAS**, the line of credit will enable the Board to carry out governmental activities in connection with its mental health, mental retardation and substance abuse services in the political subdivisions of Hampton, Virginia, and Newport News, Virginia; and

**WHEREAS**, the Board and the City understand and agree that no payments will be requested by the Board from the City in connection with repayment of the line of credit and that the obligations under the line of credit will not constitute a debt or pledge of the full faith and credit of the City and will not impose any liability on the City, nor is the requested authorization a guarantee on the part of the City of the line of credit.

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

1. That pursuant to the requirement of Section 37.2-504.A.11 of the Code of Virginia of 1950, as amended, authorization is hereby given to the Hampton-Newport News Community Services Board for the above described line of credit applied for and accepted by the Board on the terms and conditions of the documents required by the Lender to evidence and secure the line of credit, and such authorization shall include any and all extensions and renewals of, and modifications to, the line of credit (other than any modification which would increase the principal amount of the line of credit in excess of the amounts set forth herein).

2. The authorization of the line of credit applied for and accepted by the Board does not constitute an endorsement to the Lender of the creditworthiness of the Board nor is it a guarantee of the line of credit. Furthermore, the City shall not be obligated to pay nor to guarantee any debt incurred by the Board as a result of the line of credit applied for and accepted by the Board, nor any interest or other costs associated therewith. Accordingly, no debt of the Board and no line of credit shall constitute a debt or pledge of the faith and credit of the City, and the taxing power of the City shall not be pledged thereto.

3. This resolution shall be in effect on and after the date of its adoption.

APPROVED items 1 - 16 on consent agenda.

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

17. 13-0228 Resolution Renaming the "Ad Hoc Leadership Group" of the Hampton Citizens' Unity Commission the "Citizen Engagement Advisory Commission"

**WHEREAS**, the City Council of the City of Hampton, Virginia ("the City Council") created the City Council-appointed Ad Hoc Leadership Group ("AHLG") of the Citizens Unity Commission ("CUC") in 1997 as the "reactive" component of the CUC, charged with addressing culturally divisive community issues arising from city actions/processes;

**WHEREAS**, the AHLG has determined, and the city manager agrees, that its current description as "ad hoc" is inconsistent with its recent and continuing emphasis on regular and proactive efforts to not only respond to but anticipate potentially divisive community issues and to engage citizens in city decision making processes and this Council acknowledges and endorses the expanded role of the AHLG as described here; and

**WHEREAS**, the AHLG therefore recommends that this Council change the name of the AHLG to the "Citizen Engagement Advisory Commission", which the AHLG submits more accurately describes the current work and role of the AHLG in Hampton city government.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hampton, Virginia that the Council-appointed committee presently known as the "Ad Hoc Leadership Group" is hereby renamed and shall be from this point forward known as the City of Hampton "Citizen Engagement Advisory Commission".

At Councilman Moffett's request and for the benefit of the public, Ms. Bunting made the following comments regarding the item: The ADHOC Leadership Group (AHLG) was formed by the City Council in the late 1990's at the same time as the Citizens Unity Commission (CUC). When they were developed, devised and approved by Council, the thought was that the CUC would be a proactive arm of our diversity initiative and the AHLG would be a reactive arm that would look at incidences that occurred in the community that were divisive along whatever line (race, religion, gender, generational, for example). The folks who populated the AHLG were the "E.F. Huttons" of the community; the people that would be respected to share with the community information about a particular incident and help the community to understand and process a situation that may have been divisive. Since that time, a lot of people have said they

didn't know that the AHLG existed. They also don't know what AHLG means. It's not necessarily a user-friendly name, so one of the things that the AHLG did over the last year or so was to look at where they have been, where they are, where they are going and what they think their role is. As part of that, they said while we are a reactive arm, we are not really ADHOC – we are always working, we are always listening in the community, we are always trying to discern if there are divisive issues that we can address. They believe (and I agree) that they should not only respond when something is very divisive, but also to alert us when there are issues that may not be obviously divisive but may be boiling underneath the surface in the community. They have submitted and I agreed, that a name change would better describe what they do and might be more user-friendly. They have proposed the name Citizen Engagement Advisory Commission (CEAC). As that is the name that they believe describes the work that they do, I agreed to put it forward to Council for the name change. The role of the Commission really isn't changing other than to clarify that they are always there in the community. They are always listening, they are always looking for opportunities for us to recognize that our diversity is a strength to our community and to ensure that we embrace that strength along with the work of the CUC.

APPROVED - this item was removed from the consent agenda at the request of Councilman Moffett to give the City Manager an opportunity to give some background on the item.

**Motion made by:** Councilmember Will Moffett

**Seconded by:** Councilmember Christopher G. Stuart

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

Clerk of Council Ms. Katherine Glass read the protocol for the Public Hearing items.

## REZONINGS

18. 13-0192 Ordinance to Amend and Re-Enact Chapter 18.1 of the Zoning Ordinance of the City of Hampton, Virginia, entitled "Signs" by Amending Section 18.1-6 Pertaining to Special Situations to Add Subsection (7) Pertaining to Signage for Large Institutional Uses.

Zoning Official Ms. Melissa Sajid greeted those on the dais and made the presentation regarding the Zoning Ordinance Amendment pertaining to entrance signs for large institutional uses. A copy of the presentation is attached to the minutes.

Ms. Sajid said the proposed Amendment is to the section of the Zoning Ordinance that addresses special situations for signs by adding standards for entrance signs for large institutional uses such as university and medical campuses that encompass 50 or more acres. She explained that the proposal intends to allow greater design flexibility for this type of sign. She said staff became aware of a deficiency in the Zoning Ordinance regarding two entrance signs for large institutional uses when Hampton University

submitted a proposal for new signs in November of last year. She added that the Planning Commission has recommended approval of the proposed Amendment.

Ms. Sajid stated typically sign area and sign height are determined by the Zoning District in which the use is located; however, this proposed amendment would apply to all zoning districts in which they are located (for these large institutional users). As proposed, campus entrance signs would be permitted up to 110 square feet and 12 feet in height. Walls that are integrated into the design of the sign would be allowed up to 15 feet in height provided that no more than 25% of the wall is at that maximum height. The Hampton Community Plan includes policies that promote the enhancement of the identity and scenic qualities of the City corridors and gateways and encourage cooperation and partnerships with higher education institutions and health and human service providers. This ordinance amendment strives to achieve these policies by partnering with large educational and medical institutions to allow design flexibility for signage that would esthetically augment and punctuate corridors leading to these uses.

Ms. Sajid stated that staff recommends approval of this zoning ordinance amendment relating to standards for campus entrance signs. She then opened the floor for questions from those on the dais.

Councilman Stuart stated community meetings present opportunities for surrounding communities to learn things as well as express their opinion. He asked if we have communicated via the Neighborhood Commission to ensure this passes muster with surrounding communities and whether or not both of the Business Improvement Districts (BID'S) have been communicated with regarding what they are contemplating. He noted we don't have many industrial parks; however, we do have the Copeland Park, Hampton University and Thomas Nelson Community College and asked if those entities have been communicated with or partnered with in this process so that we are not implementing an ordinance change that we may have to change in later years because it does not fit in with common sense things they may need.

Ms. Sajid replied the scope of this amendment is narrow and would only apply to campuses for educational and medical uses. She explained that in the process of coming up with this proposed amendment, we did research on surrounding jurisdictions to see how they address the issue. She noted that regarding the outreach Councilman Stuart spoke of, we did not go through that process because of the narrow scope. She added that we have spoken extensively with Hampton University, but as far as meeting with the BID's – currently, it is not tailored toward office parks or more commercial uses.

Councilwoman Snead asked how large the sign would be compared to the Coliseum Central signage on Mercury Boulevard or Coliseum Drive, for example. Ms. Sajid replied stating she was uncertain of the size; however, barring any variance for those signs, the maximum would be 90 square feet. She said there may be variances allowing for a larger size; however, she could not speak to that because she did not have the exact information with her.

#### PUBLIC HEARING:

No citizens had signed up to speak. Mayor Ward called for speakers from the audience. There being none, she closed the Public Hearing.

PRESENTED by Melissa Sajid, Zoning Official.  
HELD PUBLIC HEARING - there were no speakers on the item.  
APPROVED

**Motion made by:** Councilmember Chris Snead

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

19. 13-0210 Ordinance to Amend and re-enact Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Zones and General Provisions" by Amending Section 1-20 Pertaining to Lighting of Parking and Other Areas and Signs.

Ms. Bunting noted that this is a housekeeping amendment which clarifies the lighting provisions to set forth clear and objective standards.

**PUBLIC HEARING:**

No citizens had signed up to speak. Mayor Ward called for speakers from the audience. There being none, she closed the Public Hearing.

HELD PUBLIC HEARING - there were no speakers on this item.  
APPROVED

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

20. 13-0215 Rezoning Application No. 1310-2013 by TR Development LLC to rezone parcels at 978 and 1014 Big Bethel Road [LRSNs 4001445 and 4001446], totaling 4.64± acres from Neighborhood Commercial District (C-1) and One Family Residence (R-11) to a Limited Commercial District (C-2) with conditions, to construct and operate a funeral home and crematorium. C-2 permits a funeral home with an approved Conditional Privilege. The existing use of the site is vacant.

This item was discussed simultaneously with item number 21.

Mayor Ward stated that Council discussed this item at the afternoon session and determined that since the application had changed significantly since the Planning Commission considered this matter, there was a consensus to return the item to the Planning Commission. Mayor Ward introduced the applicant, Attorney Mike Sweeney to make remarks.

**PUBLIC HEARING:**

Attorney Mike Sweeney, 1105 Madison Plaza Suite 120, Chesapeake, Va. , greeted those on the dais and made the following statement: As I am aware that this matter is being sent back to the Planning Commission, as a courtesy, I would ask if we could have our supporters stand so that Council may see who is here in support of our application.

Those in the audience in support of the application stood to be recognized.

Mr. Sweeney continued his statement: We also had petitions as well as emails and we understand that we are going back to the Planning Commission. We will revise our plan and will be ready to present it at the next meeting.

Mayor Ward reminded everyone that there will be a Public Hearing at the Planning Commission when the application is reconsidered. She thanked everyone for coming to the meeting and noted that these items were taken out of order as a courtesy so that all of those in support of this would not have to sit through the entire meeting.

Mayor Ward stated Mr. Sweeney was the only citizen who had signed up to speak, recognized all of those present in support, and closed the Public Hearing. She then called for the motion to refer items 20 and 21 back to the Planning Commission.

Vice Mayor Wallace moved to refer this matter back to the Planning Commission and clarified that this follows the tradition and methodology we use in allowing the community to have two shots at hearing the issue discussed in a public forum, first at the Planning Commission and then with the Council.

Mayor Ward thanked Vice Mayor Wallace for the clarification.

HELD PUBLIC HEARING - Michael G. Sweeney spoke on behalf of the applicant and asked those in attendance who support the matter to stand.  
REFERRED BACK TO PLANNING COMMISSION

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Christopher G. Stuart

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

#### CONDITIONAL PRIVILEGE

21. 13-0214 Conditional Privilege Application No. 135-2013 by TR Development LLC to operate a funeral home and crematorium on parcels at 978 and 1014 Big Bethel Road [LRSNs 4001445 and 4001446], totaling 4.64± acres. The parcels are zoned Neighborhood Commercial District (C-1) and One Family Residence (R-11) which requires a rezoning to Limited Commercial District (C-2), and an approved Conditional Privilege to operate a funeral home and crematorium. The existing use of the site is vacant.

This item was discussed simultaneously with item 20.

HELD PUBLIC HEARING - Michael G. Sweeney spoke on behalf of the applicant and asked those in attendance who support the matter to stand.

REFERRED BACK TO PLANNING COMMISSION

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Christopher G. Stuart

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

## REZONING ORDINANCES – HOUSEKEEPING CHANGES

At Mayor Ward's request, Ms. Glass read the titles of items 22-38 as they are all housekeeping measures.

Ms. Bunting noted that these measures are all driven by State Code requirements.

### PUBLIC HEARING:

No citizens had signed up to speak on item numbers 22-38. Mayor Ward called for speakers from the audience. There being none, she closed the Public Hearing.

22. 13-0193 Ordinance to Amend and Re-enact Chapter 17.3 Special Public Interest, Article XVIII of the Zoning Ordinance of the City of Hampton, Virginia Entitled "SPI-BBD-Buckroe Bayfront District" by Amending Section 17.3-133(C)(2)(a) Pertaining to a Final Design Plan.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

23. 13-0194 Ordinance to Amend and Re-enact Chapter 10.1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "RT District - Residential Transition District" by Amending Section 10.1-9(2) Pertaining to Green Area Requirements.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

24. 13-0195 Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article VI of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-HRC-Hampton Roads Center District" by Adding Section 17.3-43 Pertaining to Green Areas.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

25. 13-0196 Ordinance to Amend and Re-enact Chapter 20, Article II of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "Uses in All or Specified Districts" and Chapter 20, Article III of the Zoning Ordinance Entitled "Use Permits for Manufactured/Mobile Home Parks or Subdivisions" by Amending Section 20-5.1(4)(i) (i) through (iv) pertaining to Landscaping of Commercial Communication Towers, Sections 20-5.1(5)(b)(b) and 20-5.1(6)(b)(2) Pertaining to Green Area, and Sections 20-8 and 20-17 Pertaining to Application for a Use Permit and Landscaping for a Manufactured/Mobile Home Park or Subdivision.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

26. 13-0197 Ordinance to Amend and Re-Enact Chapter 17.1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "M-4 District Langley Flight Approach-Land Intensive Manufacturing District" by Amending Section 17.1-6 Pertaining to Landscaping in Rights-of-Way.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

27. 13-0198 Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XIV of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-HRCW-Hampton Roads Center West District" by Amending

Section 17.3-105 Pertaining to Building and Screening Materials and  
Section 17.3-109 Pertaining to Green Areas and Landscaping.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher  
G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nay:** 0

28. 13-0199 Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest,  
Article XVI of the Zoning Ordinance of the City of Hampton, Virginia,  
Entitled "SPI-IH-Infill Housing District" by Amending Section 17.3-123  
Pertaining to the Landscape Plan.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher  
G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nay:** 0

29. 13-0200 Ordinance to Amend and Re-Enact Chapter 18.1 of the Zoning Ordinance  
of the City of Hampton, Virginia, Entitled "Signs" by Amending Section  
18.1-10(1) Pertaining to Interstate/Arterial Zone and Section 18.1-11(7)  
Pertaining to Landscaping of Off-Premises Advertising Signs.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher  
G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nay:** 0

30. 13-0201 Ordinance to Amend and Re-enact Chapter 25 of the Zoning Ordinance  
of the City of Hampton, Virginia Entitled "Administration of Ordinance" by  
Amending Section 25-2.2 Pertaining to Submitted Plans and Exceptions.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher  
G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nay: 0**

31. 13-0202 Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XV of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-CC– Coliseum Central District" by Amending Section 17.3-117 Pertaining to Site Design.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay: 0**

32. 13-0203 Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XIII of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-HRCNC – Hampton Roads Center North Campus" by Amending Section 17.3-97 pertaining to Green Areas.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay: 0**

33. 13-0204 Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article VII of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-MVC – Magruder Visual Corridor" by Amending Section 17.3-47 pertaining to Regulations on Permitted Uses.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay: 0**

34. 13-0205 Ordinance to Amend and Re-Enact Chapter 14 of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "M-1 – Limited Manufacturing District" by Amending Section 14-3 Pertaining to Limitations on Permitted Uses.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

35. 13-0206 Ordinance to Amend and Reenact Chapter 2.1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Definitions" by Amending the Definition of "Best Management Practices" and "Development", and by Adding the Definition of "Control Measure", "Environmental Site Assessment" and "Stormwater" to Comply with the Virginia Stormwater Management Regulations.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

36. 13-0207 Ordinance to Amend and Reenact Chapter 17.3, Article V of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Flood Zone District" by Amending Section 17.3-32 Pertaining to the Definition of "Development" to Comply With the Virginia Stormwater Management Regulations.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

37. 13-0208 Ordinance to Amend and Re-enact Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Zones and General Provisions" by Amending Section 1-21 Pertaining to Outdoor Material Storage and Adding Section 1-26 Pertaining to General Green Area Requirements.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

38. 13-0209 Ordinance to Amend and Re-enact Chapter 17.3 Special Public Interest, Article X of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-CBPD-Chesapeake Bay Preservation District" by Amending Section 17.3-64 Pertaining to Regulations for Development and Redevelopment and Section 17.3-65 Pertaining to Plan of Development.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Councilmember Chris Snead

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

## RESOLUTIONS

39. 13-0211 Resolution Authorizing the Execution of a Lease for 1,600 sq. ft. of City-owned Land Located at 300 Butler Farm Road to New Cingular Wireless, PCS, L.L.C. for a Power Equipment Compound

**WHEREAS**, the City of Hampton owns a parcel of land on 300 Butler Farm Road (the "Property") upon which the new Teen Center is located;

**WHEREAS**, there is currently a Dominion Virginia Power tower on a separate City-owned site adjacent to the Property;

**WHEREAS**, on April 30, 2008 Council approved a lease with New Cingular Wireless PCS, LLC ("New Cingular") for 1,600 square feet to the west of the Teen Center (the "Premises") on the Property for the construction of a telecommunications facility/equipment compound and granted related access and utility easements for the cable and wiring between the power equipment compound and the Dominion Power tower to allow co-locate of an antenna on the Dominion Virginia Power tower;

**WHEREAS**, the existing lease for the power equipment compound is about to expire on August 30, 2013, and New Cingular has negotiated a new five-year lease with City staff; and

**WHEREAS**, the terms of the new Lease Agreement, a copy of which is attached to this Resolution, are reasonable and acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the lease of 1600 square feet to the west of the Teen Center located at 300 Butler Farm Road is hereby approved.

2. That the City Manager or her designee is hereby authorized and directed to execute the Lease Agreement between the City of Hampton and New Cingular Wireless PCS, L.L.C., as set forth in this Resolution.

A copy of the lease agreement is attached to the minutes.

Ms. Bunting stated in 2008, Council approved a lease with New Singular Wireless to lease approximately 1600 square feet of land to the west of the new Teen Center at 300 Butler Farm Road for the purposes of a telecommunications facility. She explained that the lease for the power equipment compound is about to expire and pursuant to the Code of Virginia, New Singular has asked for another five year lease. She stated we are recommending approval and then noted that we do receive approximately \$14,400 annually for the lease of the space.

**PUBLIC HEARING:**

Mayor Ward stated no one signed up to speak and called for any speakers from the audience. There being none, she closed the Public Hearing.

PRESENTED by Mary Bunting, City Manager.

HELD PUBLIC HEARING - there were no speakers on this item.

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Vice Mayor George E. Wallace

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

40. 13-0213 Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Partial Fee Takes and Temporary Construction Easements from a Portion of Five (5) Properties – 1514 E. Pembroke Avenue (LRSN 12003426), 1534 E. Pembroke Avenue (LRSN 12003214), Vacant Lot on Fox Hill Road (LRSN 8002742), 263 Clemwood Parkway (LRSN 8003553), and 343 Woodland Road (LRSN 12000248) -- for Safety Improvements at Three (3) Intersections: (i) E. Pembroke Avenue at

Grimes Road/Shelton Road; (ii) Fox Hill Road at Clemwood Parkway; and (iii) Andrews Boulevard at Woodland Road

**WHEREAS**, the Virginia Department of Transportation (“VDOT”) developed a Highway Safety Improvement Program (“HSIP”) to identify problem safety areas, analyze problems and countermeasures, and prioritize and schedule improvement projects;

**WHEREAS**, VDOT approved HSIP funds in the FY08-13 Six Year Improvement Plan for eleven (11) new transportation related projects, including intersection safety improvements at (i) E. Pembroke Avenue at Grimes Road/Shelton Road (VDOT UPC 86480); (ii) Fox Hill Road at Clemwood Parkway (VDOT UPC 86488); and (iii) Andrews Boulevard at Woodland Road (VDOT UPC 86489) (the “Projects”);

**WHEREAS**, on December 19, 2007, Council adopted a resolution approving programming and local administration for eleven (11) new transportation plans, including the Projects, which subsequently was included in the adopted FY2009-2013 Capital Improvement Plan;

**WHEREAS**, the Projects include widening the roadway to create a turn lane and installation of protected left turn only phasing, which are proven countermeasures for intersections with high numbers of left turn crashes;

**WHEREAS**, the Projects require easements and partial fee acquisitions from the following five (5) parcels, which will not necessitate the displacement of any owners:

- **Portion of LRSN 12003426**  
Owner: Charles Tardy  
Property Description: 1514 E. Pembroke Avenue  
Proposed Acquisition: Easement = 268 sf
  
- **Portion of LRSN 12003214**  
Owner: McDonalds Corp.  
Property Description: 1534 E. Pembroke Avenue  
Proposed Acquisition: Easement = 748 sf
  
- **Portion of LRSN 8002742**  
Owners: Heirs of W.H. Thomas Estate  
Property Description: Vacant Lot on Fox Hill Road  
Proposed Acquisition: Fee = 1,836 sf; Easement = 732 sf
  
- **Portion of LRSN 8003553**  
Owner: Foxcroft One LP  
Property Description: 263 Clemwood Parkway  
Proposed Acquisition: Fee = 638 sf; Easement = 272 sf
  
- **Portion of LRSN 12000248**  
Owner: LeCuyer Family Trust  
Property Description: 343 Woodland Road

Proposed Acquisition: Fee = 1,276 sf; Easement = 851 sf

**WHEREAS**, the Project is a federally funded Highway Safety Improvement Program VDOT project; and as such, it is critical that acquisition and construction deadlines are followed as closely as possible to ensure reimbursements to the City; and

**WHEREAS**, Council has determined fee acquisitions are necessary to implement the Projects; and it is in the best interest of the City that portions of the parcels identified on the attached plans be acquired, by negotiation or condemnation, for the successful implementation of the Projects to improve safety and efficiency at the following three (3) intersections: (i) E. Pembroke Avenue at Grimes Road/Shelton Road; (ii) Fox Hill Road at Clemwood Parkway; and (iii) Andrews Boulevard at Woodland Road for preservation and protection of the safety, health, peace, good order, comfort, convenience, and welfare of the people of the City of Hampton.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the Resolution seeking acquisition, by negotiation or condemnation, pursuant to the authority set forth in Sections 25.1-100 *et seq.* of the Code of Virginia of 1950, as amended, for right-of-way fee and easement acquisitions from five (5) parcels for implementation of the intersection safety improvements at (i) E. Pembroke Avenue at Grimes Road/Shelton Road (VDOT UPC 86480); (ii) Fox Hill Road at Clemwood Parkway (VDOT UPC 86488); and (iii) Andrews Boulevard at Woodland Road (VDOT UPC 86489) is approved;
2. That the City Attorney is authorized to institute proceedings to condemn a portion of LRSNs 12003426, 12003214, 8002742, 8003553, and 12000248; and
3. That a certified copy of this Resolution and plats shall be recorded in the Office of the Clerk of the Circuit Court for the City of Hampton in the manner as deeds are recorded and indexed in the name of the City of Hampton.

Ms. Bunting said Public Works staff would present information on these projects should Council have concerns. She emphasized that all of these projects are Virginia Department of Transportation (VDOT) funded highway safety improvement projects and are in the six year improvement plan. She said we have time requirements for completion or we will lose the ability to have VDOT fund the safety improvement projects. She said our preference is always to negotiate the necessary right of way acquisition, but periodically we have problems with one or a handful of property owners who do not want to sell their property and we do not want to risk the safety projects. She explained that is the reason we are coming before Council to get clear authorization. She said the presentation should include information about the safety statistics and aspects of the project.

Councilman Stuart noted that he was interested in hearing the safety improvements.

Engineering Intern Chris Swartz greeted those on the dais and presented them with information regarding the item. A copy of the presentation is attached to the minutes.

Mr. Swartz reviewed the purpose of the proceedings listed on slide 2 of the presentation. He stated the Virginia Department of Transportation developed a Highway Safety Improvement Program to identify problem safety areas, analyze problems and countermeasures, and prioritize and schedule improvement projects. The three project site locations are shown on slide 3 of the presentation. Mr. Swartz noted that all of the locations are in the eastern part of the City and are all adjacent to schools; the one specifically located on Pembroke Avenue and Grimes Road is an access point for Phoebus High School drivers.

Mr. Swartz reviewed the project timeline described on slide 4 of the presentation.

Mr. Swartz explained that as part of the application, we reviewed the accident history from 2004-2006. The results of the study are shown on slide 5 of the presentation. He stated the two proven countermeasures for accident issues are to widen the roadways to create a turn lane and installation of protected left turn as shown in the diagram on slide 6 of the presentation.

Mr. Swartz stated we needed a total of 19 properties and have acquired the rights to 14 of them. Slide 7 lists the remaining five properties for the three project locations along with the necessary amount of easements and right of ways.

#### PUBLIC HEARING:

Mr. William Forbes (of the Thomas Estate), 15 Edgewater Road, greeted those on the dais and made the following statement: I've come tonight to comment on the proposed acquisition of a portion of the Thomas Estate for the widening of Foxhill Road and Clemwood Parkway. My Grandfather, W. H. Thomas purchased the farm of over 50 acres in 1907. In 1961, the School Board condemned 29 acres for the construction of Syms Middle School to serve demand imposed by subdivisions such as Elizabeth Lakes and Willow Oaks. Approximately 15 acres remain after the school taking and are currently owned by the heirs. The City's desire to own the entire 15 acres is evidenced by planning documents going back in excess of 20 years. A comprehensive plan approved by Council in December of 1989 states acquisition of the Thomas property adjacent to Syms Middle School would augment the school's designation as a community park. The 1993 contingency Capital Improvement Plan (CIP) listed the Thomas Estate acquisition at \$400,000. From the 2010 Comprehensive Plan under land use – acquire the property adjacent to Syms Middle School for community scale park, and under community facilities, acquire the Thomas Property to enlarge the community park at Syms Middle School. Parks and Recreation Comprehensive Plan 2020 – add a community center at Syms Middle with a pool and upgraded athletic facilities. The recent Waterways Management Plan has several references to providing recreational use of waterways. The Thomas Property has an over 1,000 foot shoreline on the Hampton River and the recommended relative order of importance to the Hampton Waterways, the Waterways Management Plan has the Hampton River above Settlers Landing Road ranked 3 out of 18. This includes the Thomas Property. A neighborhood park endorsed by Phillips Lake Homeowners at this location would not only serve them, but also areas such as Elizabeth Lakes, Willow Oaks and Mallory. In September 2012, the Daily Press Editorial entitled Hampton Has a Vision and a Plan, Mayor Ward and Vice Mayor Wallace indicated concerns with citizens' desire for investment and quality of life issues such as parks. The City would benefit by consummating a longstanding desire to own the property and provide a valuable community asset. In addition to the

Master Plans, this property fits nicely in goals set out under the Waterways Management Plan. It would preclude the need for negotiation or condemnation of the portion of property and the associated cost, both administratively and monetarily. In addition to the school condemnation, the Thomas family has granted right-of-way to the City for previous road widening to Hampton Roads Sanitation District (HRSD) for a sewer main. Dealing with these types of issues and now a further road widening are increasingly complicated due to the increasing number of heirs. The recently passed 19% tax increase will be especially burdensome since many heirs are retirees. In summary, the Thomas heirs have no interest in selling yet another portion of the property. We want to sell it all.

Mr. Forbes provided a copy of his notes as well as a letter from the Phillips Lake Homeowners Association to the Clerk of Council.

Mayor Ward asked for clarification that Mr. Forbes was requesting that the City consider purchasing the entire remaining 15 acres. Mr. Forbes replied the City has considered it in numerous Master Plans. Mayor Ward clarified that her question meant he was requesting the City "consummate" it. Mr. Forbes replied "yes".

Mayor Ward called for additional speakers from the audience. There being none, she closed the Public Hearing.

Councilman Tuck asked how much property we plan to take and how much would be left.

Mr. Swartz replied as far as the take on Mr. Forbes property, we are looking at 1,800 square feet and a temporary construction easement of 732.

At Mayor Ward's request, Mr. Swartz displayed a visual which shows the total area of the property. He clarified that we would be taking a small sliver (approximately 7 feet) from the edge of his property to Clemwood Parkway.

Ms. Bunting noted she is not commenting on the pros and cons of acquiring the entire property; however, clarified that the VDOT money can only be used for the portion that is required for the road, so if the consummation of a full sale of the property were something Council desired to pursue, we would need to identify another source of funds. She reiterated that we can only use the VDOT funding for that portion that is required.

Councilman Hobbs said he met with Mr. Forbes and his wife to discuss the property. He explained that this is a large piece of property which he believes Mr. Forbes would like to sell to the City and he (Councilman Hobbs) believes Mr. Forbes would be reasonable.

Mayor Ward asked City Manager Bunting to address Mr. Forbes and the Thomas family about what terms or beneficial solution we may be able to reach. Ms. Bunting stated she would be glad to do so and added once we are able to identify what the mutually agreeable terms would be, return to Council to identify how much it would cost and what the possible revenue sources could be and then Council could determine if it is something they wished to pursue now or later.

Vice Mayor Wallace asked Ms. Bunting to include the intended uses of the property in her subsequent report to Council.

Mayor Ward thanked Mr. Forbes for attending the meeting.

PRESENTED by Chris Swartz, Engineering Intern.

HELD PUBLIC HEARING - William T. Forbes spoke on this item.

APPROVED

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Vice Mayor George E. Wallace

**Aye:** 6 - Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck,  
George E. Wallace, Molly Joseph Ward

**Nay:** 1 - W. H. "Billy" Hobbs, Jr.

## GENERAL ITEMS

Ms. Glass read the protocol for the General Items.

## ORDINANCES

41. 13-0229 An Ordinance to Amend and Re-enact Chapter 2 of the Code of the City of Hampton, Administration, Article IV, Finance, Section 2-134, Council Approval Prerequisite to Acceptance of Certain Gifts to City, [etc.], to Provide for Specific Application to Money Gifts and Gifts in Support of Undercover Law Enforcement Investigations.

Ms. Bunting stated that she and the City Attorney committed to review this Ordinance following the budget process and as time permitted to determine what (if any) changes we would recommend to clarify the process by which donations or monetary gifts may be accepted for the benefit of the City; particularly regarding acceptance and use of gifts for certain law enforcement purposes such as undercover investigations. Having done that review, she and the City Attorney have agreed that a reasonable process to both protect safety sensitive operations and yet allow Council to participate fully up front and the acceptance of gifts would be to bring such gifts to Council not disclosing the donor or the specific nature of operations. It is important to protect those involved in undercover operations. Council would be able to appropriate that donation or gift. She reiterated that we would appropriate it without disclosing the donor or specific details of the operation. At such time when the operation would conclude, we could come back (for the benefit of the public), disclose the donor and the results of the operation. This way we could honor the intent which was to allow gifts to undercover operations, but also provide greater Council participation in that process.

APPROVED

**Motion made by:** Councilmember Donnie R. Tuck

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead,  
Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly  
Joseph Ward

**Nays:** 0

42. 13-0230 An Ordinance to Amend and Re-enact Chapter 2 of the Code of the City of Hampton, Administration, Article II, City Council, Division 2, Meetings, Section 2-43, Order of Business - Regular Meetings, to Require the Concurrence of Three Members of Council for Addition of Business Items to a Regular Council Meeting Agenda

Vice Mayor Wallace stated multiple Councilmembers, including himself, have individually had items placed on the agenda, and we have previously attempted to put policies into place regarding how to govern our course of action during Council meetings. He said one of the pervasive issues which surfaced was how many people are required to get an item on the agenda; however, for various reasons, we as a body have never enacted those policies and they have languished for several years. He continued stating there were suggestions that we go back to the policy discussed in previous years. He said he proposed following the concept already in the Code which requires three Councilmembers to come together in order to have a special meeting. He continued stating the Code also indicates that the Mayor or City Manager may single-handedly call a meeting, but it requires three Councilmembers to get a special meeting. He said his concept was to parley that language in terms of how it applies and how it relates to putting an item on the agenda for an individual Council meeting or work session. He explained that in his estimation, this encourages Councilmembers to seek and have discussions prior to placing an item on the agenda to discern if there is consensus that this is a situation that requires vetting.

Vice Mayor Wallace stated we have depleted our staff significantly over the years because of budget constraints, and when we have someone going in a singular direction to bring a situation to the table, it requires a significant amount of time, effort and money to put the situation into being in order for us to have a rationale way of discussing it. He continued stating that if there is no consistency, then all of that time and effort has been lost. He explained this is the reason he proposed putting something in place on the basis of what has already been codified in having three Councilmembers; however, there was some interest expressed in having two. He said he would be willing to accept two members being necessary to place an item on the agenda or the work session.

Mayor Ward asked Vice Mayor Wallace to clarify if his motion is that item 13-0230 require the concurrence of two members of Council for addition of business items to the regular Council meeting agenda and that the work session agenda would require a concurrence of two councilmembers for addition of items. Vice Mayor Wallace concurred.

Councilman Tuck said in his opinion, if this is a policy issue, then it should be discussed as a policy issue with other unresolved policy issues. He said to him this seems more reflective versus something that has immediacy. For example, one of the Public Comment speakers stated he had been coming before Council for several months requesting we place an item on the agenda and it only required one Councilmember, so he (Councilman Tuck) asked that it be placed on the agenda. He said when comparing this to scheduling a special meeting, it should be considered that a lot more is required for a special meeting including public notification, staff time, and facility preparation. He said in his three years on Council, he has only done five items total, and our current Code says the Mayor, a Councilmember, City Manager, City Attorney have to make it known by Friday at 12:00 following the second Wednesday of the month. He said he copied all of the Councilmembers and said he would like to add an item for discussion

and therefore, believes this is fair warning and does not catch anyone by surprise. He said sometimes constituents approach Councilmembers with valid concerns, but this will require having a few people agree with it before it comes here (before Council).

Councilman Tuck described a scenario when Councilman Stuart brought an issue before Council in 2011 which each Councilmember was advised not to touch, but he brought it forward and received no support, but he still brought it forward. He said everybody that sits on Council who was elected in the same manner should have the right to bring an issue before Council to be discussed. He said he tries not to waste Council resources or staff time and he does not believe the five issues he has brought before Council have wasted anyone's time. He suggested having a special work session to discuss the policy manual if we want to talk about change, but he does not think we should be coming up with policies that seem to be targeted toward any individual or specific citizen.

Councilman Stuart commented that occasionally, as an elected body, we come up with a solution in absence of a crisis and he believes we are there again. He said this has a feel, in the absence of a policy guide, as if we are seeking to disenfranchise a certain part of the individuals that are elected and want to present ideas or citizens that do that (present ideas). He said while he was the one that went from Vice Mayor Wallace's original proposal of three or trying to come up with something more palatable such as two (members of Council), he would recommend considering Councilman Tuck's suggestion to defer this and visit the concept of putting a guide book together which would look at the whole experience and provide direction for the group rather than doing these kinds of things in a scattered shot fashion.

Ms. Glass asked for clarification if the motion was on items 42 and 43 with the amendment to change from three to two members. Vice Mayor Wallace concurred.

ADOPTED ON FIRST READING AS AMENDED - amended to read two members of Council as opposed to three members of Council.

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Chris Snead

**Ayes:** 5 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, George E. Wallace, Molly Joseph Ward

**Nays:** 2 - Christopher G. Stuart, Donnie R. Tuck

43. 13-0231 An Ordinance to Amend and Re-enact Chapter 2 of the Code of the City of Hampton, Administration, Article II, City Council, Division 2, Meetings, Section 2-36, Place and Time for Regular Meetings, Receipt of Public Comment and Work Sessions; Cancellation of Meetings; etc. to Establish a Work Session Agenda Deadline and to Require Concurrence of Three Councilmembers for Addition of Items to the Work Session Agenda

Discussion for this item took place simultaneously with item #42.

ADOPTED ON FIRST READING AS AMENDED - amended to read two members of Council as opposed to three members of Council.

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Chris Snead

**Ayes:** 5 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, George E. Wallace, Molly Joseph Ward

**Nays:** 2 - Christopher G. Stuart, Donnie R. Tuck

## APPOINTMENTS

44. 13-0225 to consider an appointment to the Board of Review of Real Estate Assessment

REAPPOINTED David E. Richards to the Board of Review of Real Estate Assessment to serve a term expiring on June 30, 2017.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

45. 13-0233 to consider appointments to the Hampton-Newport News Community Services Board

COUNCIL intends to reappoint Leroy Branch and to appoint Tom Morehouse to the Hampton-Newport News Community Services Board to terms expiring June 30, 2016 and note that these appointments will actually be placed upon the July agenda.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

46. 13-0241 to consider appointments to the Grievance Panel

APPOINTED Linda Curtis and James Young to the Grievance Panel for terms expiring on June 30, 2017, and appointed Pat Minetti as an alternate for the same term length.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

47. 13-0235 to consider an appointment to the Planning Commission

APPOINTED Tommy Southall to serve until June 30, 2017, and reappointed Gay LaRue and Gregory Williams to their second terms also expiring on June 30, 2017.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 5 - W. H. "Billy" Hobbs, Jr., Will Moffett, Christopher G. Stuart, George E. Wallace, Molly Joseph Ward

**Nays:** 1 - Donnie R. Tuck

**Abstain:** 1 - Chris Snead

48. 13-0236 to consider an appointment to the Thomas Nelson Community College Board

REAPPOINTED Stephanie White to the Thomas Nelson Community College Board to serve until June 30, 2017.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

49. 13-0237 to consider appointments to the Virginia Air & Space Center Board of Directors

REAPPOINTED Stanley R. Gallaer, Jr; Ross A. Mugler; and Dr. Linda M. Shifflette to the Virginia Air & Space Board of Visitors to terms expiring on June 30, 2017.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

50. 13-0238 to consider an appointment to the Peninsula Airport Commission

REAPPOINTED Steve Mallon to the Peninsula Airport Commission until June 30, 2017.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

51. 13-0239 to consider appointments to the Hampton Parking Authority

DEFERRED (7/10/2013)

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

52. 13-0240 to consider appointments to the Hampton Redevelopment and Housing Authority

REAPPOINTED Eunice James Peele and Stephen C. Adams to the Hampton Redevelopment and Housing Authority to terms expiring June 30, 2017.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward  
**Nays:** 0

53. 13-0242 to consider appointments to the Citizens' Engagement Advisory Commission (CEAC) formerly known as the Ad Hoc Leadership Group

DEFERRED (7/10/2013)

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

54. 13-0243 to consider an appointment to the Building Code Board of Appeals

REAPPOINTED Sherman Crawley to the Building Code Board of Appeals to a term expiring on July 1, 2018.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

#### **REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

Ms. Bunting reported that on May 28th, Councilman Tuck made a request via email to publicly discuss the thinking behind the closure of the carnival in the wake of the shooting that occurred on the perimeter of the carnival grounds over Memorial Day weekend. She said he also requested she address how comparable incidents in the future might be handled as well as what precautions were considered and are being considered in the future.

Ms. Bunting stated there were several factors which led to the joint unanimous decision of the Coliseum Director, the Chief of Police and herself to shut down the carnival. She explained that we always take into account public safety and based upon the information we had, we believed it was in the public's interest that safety be protected. She added that respect for the young man who lost his life was also factored into the decision to close the carnival. She emphasized that the City will not cower in response to acts of violence; however, we have to make decisions that are in the best interest of the goals of public safety and of honoring and respecting loss of life. She continued stating that continuing in a festival-like environment in the wake of what she believes we can all agree was a senseless death seemed very inappropriate and she felt it might have sent a message that our community cared more about money and frivolity than human life. That is not the community we want to be known for and is not the Hampton way.

Ms. Bunting continued stating that in this particular case, the shooter had not yet been apprehended and there was the possibility of additional violence as carnival environments are sometimes known for attracting more of that behavior and we did not

want to take the chance that anyone else would lose their life. She reported that over 30 officers were assigned to the carnival, but even if there is an officer on every corner, if someone is predisposed to doing a senseless act, we cannot prevent them. She said it was not a matter of putting more resources there; instead, it was a matter of understanding the environment we were in and understanding and respecting what continuing with a festival-like environment might send as a message to our community.

Ms. Bunting highlighted (as Councilman Moffett did earlier this evening) that we conduct many community events without violence. For example, since the shooting, we have hosted the Blackbeard Festival and downtown block parties without similar incident. She said she believes we will continue to hold similar events without incident. She added that she cannot say what we will do in the future and hopes we do not have similar incidents in the future. She said she and the Chief of Police and any other parties involved must look at the individual circumstances of that case at that time. She reiterated that our goal will always be to protect public safety and send a message as a community about who we are in our humanity as a community. She said she stands by our decision in the wake of the carnival shooting and believes it was the best decision that could be made given all of the facts available to them at the time.

Ms. Bunting addressed a reference made earlier regarding the closure of the Old Hampton Community Center (OHCC). She said those watching may have been under the impression that our budget closed the OHCC; however, Council did not agree to close the OHCC in the next fiscal year. Instead, we made budget amendments to continue the operation of the OHCC. She emphasized that she did not want anyone to have mixed messages about what would be happening as we enter into the new fiscal year beginning July 1st. She then clarified that we funded a shuttle service which was never intended to send people out of their community into other communities, but rather to ensure that all citizens have access to a multiplicity of recreational options. She said there are many community recreational venues in the downtown area and it was never our intent to leave any community without any recreational activities. She noted that the Y.H. Thomas Community Center is indeed a far more heavily attended facility in the downtown community. She reiterated that Council's decision in the budget process was to continue the OHCC for the next fiscal year and it is fully funded. She noted that the Fort Monroe Community Center, which we toured today as part of our Fort Monroe visit, will open for the benefit of the full community and is not intended only for residents of Fort Monroe. She clarified it is a community center for all of our community regardless of where they live and it will open for the larger community post Labor Day. She said we are excited about this opportunity particularly because it is an opportunity to get a community center on that side of the City and Council did not have to spend the money to construct the facility. It has the zero entry pool which offers services to the therapeutic and disabled community which hasn't previously been available at community centers. As we saw today, there are nice areas for arts and crafts and pottery, a great gym and wonderful facility that we hope all of the community will use in the post Labor Day time period.

Ms. Bunting addressed the issue of the City's investment in prevention. She said she believes Council knows and hopefully the community knows that this Council is committed to prevention. We have long funded the Healthy Start and Healthy Family Partnership Programs and are one of the only cities in the Commonwealth to fully fund a Healthy Start type of program where we do intensive early intervention for families. We are one, if not the only community in Virginia that offers parenting programs free of

charge to its residents. She noted it would be a misnomer for someone watching the Public Comment Period to think that this Council does not value prevention. In fact, when we did the budget polling, overwhelmingly our residents supported the notion of prevention and those programs were fully protected in our budget process.

**NO MISCELLANEOUS NEW BUSINESS ITEMS WERE DISCUSSED**

**THE MEETING ADJOURNED AT 8:07 P.M.**

\_\_\_\_\_  
Molly Joseph Ward  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_