



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, October 12, 2016

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:33 p.m. All members of the City Council were 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 - Councilwoman Teresa Schmidt

Councilwoman Schmidt gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck introduced Mr. Mark Cooper of the Marching Elites who shared a short video from a nationally televised performance. Following the video, Mr. Cooper gave a short demonstration with Mr. Keyshaun Keene, 6th Grader at Eaton Fundamental School. Mr. Cooper gave a brief history, highlighted several former members, and discussed the academic aspects of the program. In response to Mayor Tuck, he described how to become a Marching Elite. He also invited other non-profits in Hampton to partner with the Marching Elites for fundraising endeavors.

Mayor Tuck introduced Ms. Claire Neubert, Chair of the Hampton Waterways Restoration Project, which is a subcommittee of the Hampton Clean City Commission. Ms. Neubert was accompanied by many young people carrying paper

water drops. She described the “water wishes” project to Council and encouraged them to participate. Ms. Neubert also described the oyster gardening program that has the participation of 17 Hampton City Schools, as well as other water quality programs taking place across the City. Councilwoman Schmidt encouraged anyone interested in the waterways to get involved with the Hampton Waterways Restoration Project.

Mayor Tuck introduced Mr. Marshall Willis, 8th Grader at Hunter B. Andrews School, Mr. Matthew Tucker, 9th Grader at Kecoughtan High School, and Ms. Cierra Hendricks, 10th Grader at Heritage High School. They were representing Alternatives, Inc. in their capacity as Virginia’s Youth Afterschool Ambassadors and shared information on the Virginia Partnership for Out of School Time. They spoke about the Lights Out After School event to be held at Hunter B. Andrews School from 4:00 p.m. to 6:00 p.m. on October 20th.

Councilwoman Snead shared that the City of Hampton was recently honored with a Silver Certification in connection with the Go Green Challenge sponsored by the Virginia Municipal League (VML). City Manager Mary Bunting recognized Mr. David Imburgia, Environment & Sustainability Manager, for his work in compiling the information necessary to receive this award.

Councilwoman Snead noted that Mayor Tuck received his Certified Mayor certification at the recent VML Conference.

[16-0359](#) Resolution of the Council of the City of Hampton, Virginia Confirming the Declaration of a Local Emergency Made Necessary by Hurricane Matthew and Declared by the Hampton Director of Emergency Services on October 8, 2016

Attachments: [Hurricane Matthew - Emergency Declaration](#)

Mayor Tuck noted that he worked for Public Works in Norfolk as part of their “Alpha” response team during Hurricane Isabel. He commended the City’s workers for the sacrifices they make any time there is even the prospect of a weather emergency, providing a high level of service for citizens while also worrying about their own families.

City Manager Mary Bunting provided a summary of Hurricane Matthew’s impact on the City of Hampton, including preliminary damage numbers and the reasoning behind the declaration of emergency. She requested that citizens who experienced damage during the storm call 311 so that the City can inspect and document the damage, and assist those in need to clear properties and file for assistance. The City will be partnering with the American Red Cross to help citizens get connected to

resources.

A motion to approve was made by Vice Mayor Curtis, seconded by Councilman Hobbs, and passed on the following vote:

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

[16-0363](#) Resolution of the Council of the City of Hampton, Virginia Confirming the Order Terminating on October 11, 2016, the Declaration of Local Emergency Declared by the Hampton Director of Emergency Management effective October 8, 2016, due to Hurricane Matthew

Attachments: [Hurricane Matthew - Order Terminating Local Emergency](#)

A motion to approve was made by Vice Mayor Curtis, seconded by Councilman Hobbs, and passed on the following vote:

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

CONSENT AGENDA

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

Councilman Gray requested that 16-0339 and 16-0350 be pulled from the Consent Agenda to highlight the information for citizens. Councilman Gray stated that these two grants were significant in providing funding for additional police officers and supporting volunteer operations. He noted that the Hampton Fire Department (HFD) runs two camps to introduce young boys and girls to fire service.

Mayor Tuck requested that 16-0342 be pulled from the Consent Agenda for further discussion.

2. [16-0339](#) Resolution Accepting and Approving the City of Hampton, Virginia's Participation in and Appropriation of the FY15 Staffing for Adequate Fire and Emergency Response (SAFER) Grant through the Department of Homeland Security

Attachments: [Full Grant Package](#)

Ms. Bunting noted that the Staffing for Adequate Fire and Emergency Response (SAFER) grant through the U.S. Department of Homeland Security will provide

\$288,400 with a 0% local cost match to support Camp Prospect and Camp Fury, recruitment, retention, and mentoring programs. This will provide four years' worth of funding for HFD and a nominal stipend program for volunteer firefighters who assist in these efforts.

This item was pulled from the consent agenda by Councilman Gray to provide the City Manager an opportunity to share more information.

Following the information, Vice Mayor Curtis moved to approve items 16-0339 and 16-0350. The motion was seconded by Councilman Hobbs and passed on the following vote:

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

6. [16-0350](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the FY 2016 Office of Community Oriented Policing Services (COPS) Hiring Grant through the U. S. Department of Justice, Office of Community Oriented Policing Services

Attachments: [Award Document](#)
[COPS Hiring Grant](#)

Ms. Bunting stated that this is a hiring grant awarded by the U.S. Department of Justice for Community Oriented Policing Services (COPS). This will assist the City in hiring five new police officers for a three-year period at 75% of the salary. The City will be responsible for the remaining 25%, benefits, and outfitting the officers. She noted that during budget conversations she and Hampton Police Department (HPD) Chief Terry Sult were working towards adding new officers next year, so this grant program greatly assists in offsetting those costs.

This item was pulled from the consent agenda by Councilman Gray to provide the City Manager an opportunity to share more information.

Following the information, Vice Mayor Curtis moved to approve items 16-0339 and 16-0350. The motion was seconded by Councilman Hobbs and passed on the following vote:

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

3. [16-0342](#) Resolution Approving Fiscal Year 2017 First Quarter Budget Adjustments

Attachments: [FINAL - FY17 1st Qtr Budget Adjustments](#)
[ORIGINAL - FY17 1st Qtr Budget Adjustments](#)

Mayor Tuck noted that he is not comfortable approving an approximate \$700,000 increased cost for a pier. When discussions were held in May 2014, the firm cost was \$138,000 and there would not be a dinghy dock, as this would be built in Phoebus. He is concerned about the cost overrun and would like partnerships in financing the pier. It will be built at Fort Monroe, but there is no participation from Fort Monroe in funding, although they had indicated in May 2014 that they would benefit from a Science, Technology, Engineering, Art, and Mathematics (STEAM) program. There was also discussion about the YMCA sponsoring programs, but there is no funding participation from them.

Mayor Tuck stated that there is a program at Hampton University (HU) and a floating pier already in existence, so he feels everyone should share what is already available or an alternative way of financing the pier should be found.

Ms. Bunting stated that when Council was first approached about the pier, it was believed that the pier, and the boats the City wanted to purchase to support community recreational programs, would cost approximately \$200,000. The pier would be constructed at the Fort Monroe Community Center, which is operated by the City, and this would be an opportunity to activate the waterfront for all residents. Youth Sailing Virginia (YSV), a nonprofit organization, has offered a partnership, and clarified that the program would not be in partnership with the Hampton Yacht Club, which has been a common misconception.

Ms. Bunting noted that YSV has found in their research that a community of sailors and boaters must be developed in order for a city to obtain a reputation as a boating community and YSV is committed to bringing sailing to all residents interested in learning, with an initial outreach of 7th through 12th grade students, particularly to evolve high school sailing teams.

Ms. Bunting stated that YSV participates in the Peninsula Community Foundation's community fundraising campaign, hosts their own fundraisers, and pursues grants. They have recently completed work on a grant with the Chesapeake Bay Foundation to bring in additional money to reach students unable to afford sailing. YSV currently

provides sailing instruction and opportunities in the spring and fall, including classroom instruction that incorporates Science, Technology, Engineering and Mathematics (STEM) learning. YSV sponsors high school teams that compete in local regattas, many of which are hosted in Hampton at Fort Monroe as part of the Virginia Interscholastic Sailing Association. She noted that there is a regatta planned for this weekend that will involve not only local teams, but teams from as far away as Maryland.

Ms. Bunting stated that after the initial discussion, preliminary designs had a cost of well over \$1 million. She struggled with that number and asked what changed the cost estimates. This is part of the reason why this project has not been completed yet. The primary driver of the cost differential was that the first proposal was designed to residential standards, not commercial or institutional standards. The initial design also did not accommodate for Americans with Disabilities Act (ADA) requirements, or additional spaces for the other types of boats, such as paddle boats, the City wanted to provide for residents.

Ms. Bunting had staff check with the State to confirm that the City was required to build to the higher standards being proposed. She also asked for value engineering to be done on the project. The City does have to build to the higher standards, but the value engineering lowered the cost to \$810,000.

Ms. Bunting stated that once these issues were resolved, she communicated with Council and offered several options, to include cancelling the project. She advocated that the City proceed for several reasons. These include the Council's goal of activating the City's waterways for the enjoyment of residents and visitors; offering boat rentals and lessons would expand the reach of boating to all residents; YSV will have an expanded capacity for growth of participation from local students and additional, larger regattas; and the floating docks are deteriorating. She noted that when regattas are hosted in Hampton, students from across the region spend money in the community. If the City does not proceed with design at this point, it runs the risk that the high school sailing teams will not have places to practice or host regattas as early as next fall.

Ms. Bunting noted that staff has identified funds that can be used in the current fiscal year to advance the first phase. She recommends that the City proceed with the design of the entire project, fund the first phase of construction, and put the funding for the second phase of construction in next year's budget. The funds requested for transfer tonight would accomplish the first phase.

Ms. Bunting noted that while she would have liked the project to cost what was originally quoted, she would have still advocated for this project if this higher cost

had been known. Hampton's reputation will grow if it continues to invest in the physical and social infrastructure to grow sailing as a sport and offer recreational opportunities for all residents. This progress needs to continue if Hampton continues to aspire to be known as a premier waterfront community.

Vice Mayor Curtis noted that there were a number of members of the public who would like to speak on this item. She requested that they be allowed to speak now, or the vote on this item be taken after the Public Comment session so that those citizens could be heard.

Mayor Tuck asked if this was the will of Council and there was general agreement.

Councilwoman Schmidt made a motion to approve the item and noted she often runs into people who have no idea what Hampton has to offer. Unless those people have a reason to come to Hampton, they will not see or enjoy the City's waterways. She has received letters and emails from parents whose students would not otherwise get to participate in sailing programs, so this is a reason she would support this matter. She noted that Council has adopted a vision stating that Hampton is a vibrant, waterfront community, and this pier supports that.

City Attorney Vanessa Valldejuli noted that if the item was going to be moved down to the General Items session, a substitute would need to be presented. Ms. Bunting asked if Council was allowed to listen to those signed up under Public Comment regarding this agenda item now. Ms. Valldejuli stated that this would also require a substitute motion.

Vice Mayor Curtis offered a substitute motion to amend the agenda to allow for Public Comment on this matter at this time and it was seconded by Councilman Hobbs. The matter passed unanimously.

Ms. Valldejuli stated that Councilwoman Schmidt's original motion to approve can be resurrected following the Public Comment.

Ms. Jill A. Davis greeted those on the dais and made the following statement: I sent you all an email yesterday asking that this request for funding from the nonprofit to pay for their desired Fort Monroe sailing center be pulled from the Consent Agenda, which I was told at 1:00 p.m. it was, but evidently it's back on again, so I'm glad I'm here today. The concern I had was that the public did not have an opportunity to be informed about it or to comment about it. And this is what I said in my email. The cost has risen, as has been mentioned, to nearly half a million dollars. To the best of my knowledge, there have been no public forums, surveys, focus groups, or public briefings about this initiative. Neighborhood commissioners are not aware of this

effort and have not been asked to canvass their areas for input from citizens. Further, I believe that all funding for this project has been obtained by diverting funds from other approved budget items. I don't believe this has ever been listed in a Hampton City budget. The following were a few of the questions I had, which Ms. Bunting told me she would answer in an email, and I'm sure she'll provide the answers to these things to the public as well. First is, what money actually has the nonprofit obtained to help pay for this? How much money were they given? Is there a published proposal that clearly spells out the relationship between Youth Sailing Virginia and Hampton with identified and assigned roles, duties, and responsibilities? Who has ultimate authority and responsibility for the proposed center? Have Memorandums of Agreement been worked out with the YMCA? What role will Hampton Parks and Rec play in this and what is the anticipated increase in staffing to assume new duties? How many students will be served by this program? Does this number offset the potential loss of recreation opportunities created by taking funds from the Parks and Rec maintenance budget? There are existing sailing programs in our area already. What attempts have been made to pool resources or to engage those programs in a cost saving cooperative effort? In budgeting for individuals, there are wants and needs. The Police Department needs money for training, Hampton needs a well-funded youth summer employment program, some Hampton City centers need WiFi, we need flooding remediation and improved transportation. The Youth Sailing Virginia organization wants a Fort Monroe community sailing center, and they want taxpayers to pay for it. Without documentation to prove a significant portion of Hampton also wants it and will benefit from it, it cannot be called a need. Until citizen needs are met, I believe the City should not pay over half a million dollars and divert funds from already approved budgets to pay for the wants of this nonprofit. Thank you.

Ms. Joan Charles approached the dais and made the following comments: This is interesting. It concerns transparency. I'm a researcher by avocation. I'm good at it, especially when it concerns my tax dollars; I love numbers. Although it may seem useless, I'm addressing the lack of transparency in tonight's agenda, even though everything has already been voted on. That's what I wrote before this. I would also like once more to recommend Public Comments be first on the agenda for this very reason. Tonight's Consent Agenda astounded me. Every time I checked it, it had been changed. Number three looked innocent. It reads: "Resolution Approving Fiscal 2017 First Quarter Budget Adjustments." What could that brief statement be hiding? Well, we found out tonight what that brief statement was hiding. I know how to navigate the City's internet site, and you would find those nine words hide a lot of money. Almost \$400,000 worth for a pier and floating docks at Fort Monroe. Could we be looking at another Convention Center debacle? Remember those numbers? 1998, they were talking \$25 million. Then a year later it jumped to \$49 million. Then it went to \$76 million. By 2001, it was \$95 million. 2002, \$107 million. Then it was

\$110 million. I don't know what the final count was. The short history of this floating dock is beginning to mirror the same track. Well, she's already explained a lot of that, so I'll leave it out. My first research found a Request for Proposals (RFP) in 2015. October 28, 2015, there were at least nine contractors being interested in bidding. Then a week later, the RFP was cancelled. What happened? No new RFP. Things got dark. No transparency. Then tonight, it shows up on item 3 again and we finally got an explanation. Transparency should be upfront, not behind. \$600,000 or triple the original sum just two years ago. Is there more to come? Do we have a name of the contractor? Could you tell us tonight? If not, why not? A little light on the subject in the beginning would reverse the perception of non-transparency. Thank you.

Ms. Carole Garrison approached the dais and made the following statement: I am here to address the concerns of the Youth Sailing Virginia pier at Fort Monroe. In May 2014, \$135,000 was requested by the Youth Sailing Virginia, which was also going to contribute \$600,000 for the project. This project was sold as a benefit to the City as it would allow schoolkids of lower economic standing to have experience on the water. There is a similar project which occurs in Norfolk. Councilman Stuart at the time praised the project for allowing public waterways to be accessed and experienced by all. Mayor Wallace was concerned about the funding of this program and wanted to make sure that this was the final cost. Ms. Bunting indicated that it could go up a little depending on the cost of the boats. In June, the Council did vote to allow \$200,000 for this project. Here we are in 2016, still no pier. The project will be unusable to lower economic children for the following reasons: in Hampton, there are no buses that go to Fort Monroe; working parents cannot continually take off to drive the kids to Fort Monroe. Norfolk picks up and returns the kids to school for this very reason. In Hampton, there will be \$100 to \$200 to participate; if a family is worried about paying rent or food, they're not going to spend a couple hundred dollars so that their children can learn to sail. Norfolk has no charge for its program. In Hampton, it is estimated that ten low income children will be helped; Norfolk supports 60 children. And, I have seen no plan how this program is going to be any different than the failed Youth Center, which also could not be reached by the buses at Hampton Roads Transit (HRT). The National Parks has grants on a 50-50 ratio for new piers. This maximum match is at \$150,000. The City could use that money to actually make a program that would allow some of the low income kids to participate. With no realistic plan to include low income kids, this project should be withdrawn and actually represented on what it is actually being built for. If the grant is won, the pier would have to be made accessible. That is an increase, but not as significant as mentioned in the earlier version of the agenda. If this project increases by three times the original cost, that should be explained and not just put on the Consent Agenda. I will say that we did receive a grant from the National Parks in 2013 and that cost of that pier was less than \$100,000, and they had a floating pier, they had

the gangway, but they already had the pilings in, so they did not have to build the pilings. So I would wonder why this is so much more than the one that they previously built, which was also on Fort Monroe. Ms. Glass, could you please read my statement into the record in its entirety.

Ms. Kelly Hamdly greeted those on the dais and made the following statement: I'm actually going to defer my comments this evening, because we have other folks who would like to speak on our behalf.

Mr. Gavin Smith greeted those on the dais and made the following statement: I sail for Phoebus High School. I have been sailing for about seven years now, specifically sailing with Youth Sailing Virginia for two. The sport of sailing has taught me skills that I will take with me for the rest of my life. I started in one-man boats where I had to make decisions by myself. I then moved up to two-man boats where I had another person that I had to learn to work with. Sailing with Youth Sailing Virginia has taught me how to sail on a team. Youth Sailing Virginia gives the opportunity to sail to many kids who would not usually get to do this sport. It offers an affordable option to high school students to learn to sail. Youth Sailing Virginia is looking to expand in the near future, to offer summer programs to children of all ages. Let's talk about why we are here. It may seem that we have adequate docks with a floating dock and a kayak dock; however, a permanent dock leading out to the floating dock is necessary. It would allow the children ease of access to the boats. Every time we have a big storm, we have to bring the boats in. This requires us to spend many hours hauling the boats through the water and up the steep, rocky slope of Mill Pond. After the storm, they have to be lowered back into the water and taken back to the docks. This is all done by hand, many hands. With a permanent dock, we can use dollies, hand-trailers on wheels, to pull the boats straight off the docks to safety. Thank you for the opportunity to speak before you on this matter.

Ms. Erin Wright greeted those on the dais and made the following statement: I was just exposed to the youth sailing this past season, this fall season when my son joined the sailing team. A few weeks ago, I went out to a practice and I just expected to watch from the shoreline. Ryan explained, my son who will be speaking next, explained the process that they all had to meet at the kayak dock and then they were boated out to the floating dock. I was a little surprised, because I hadn't been out there, hadn't seen the setup. He explained that parents in boats came to take the kids from one dock and move them out to the floating dock. The program, so far that I have seen, it is amazing watching my son participate in it. I think that to expand this program to other youth, to other children, to expose them to different things other than just the normal sports that we talk about, football, basketball, baseball, soccer, things like that. We spent an amazing afternoon on Mr. Rick Hamdly's boat; he took us out for the entire two hours that they were at practice. He explained the sport, he

explained what they do, and he explained the different things that the kids learn. Watching my son and watching the comradery, the students working all together, was amazing. I would like to see this program expand and whatever the City has to offer to help this program to expand to other children to bring our community and to bring a base, I would be excited to see that. Thank you.

Mr. Ryan Wright approached the dais and made the following statement: I'd like to speak to the Youth Sailing Virginia program. It's a wonderful sport to be a part of. The program is amazing. I've been to many first days of practice; I've played football, soccer, I've wrestled, but really, when I went to sail the first day, I instantly fell in love. Everybody there, they're super helpful. The first day I went out with Coach Allen Kilgore, he really cares about all the children there, and he wants to make sure they learn and grow and they understand the sport. See, when you come out, it's not just - excuse me, I'm nervous here - when you come out, you can come out and sail casually or sail as a sport. He really wants to see everybody grow up and get good leadership skills. When you sail, you sail in two-person boats, so it's not just you on the water, you're really out there in a boat contained with another child with you, and I think that it's a really special thing to have high school kids be able to do that every Tuesday and Thursday and still come back safe. Thank you for your time.

In response to Councilman Gray's question, Mr. Wright indicated that he attends Kecoughtan High School.

Mr. Gary Bodie greeted those on the dais and made the following statement: I'm a '74 Hampton High School Crabber. I'm a board member of Youth Sailing Virginia and happy to answer any questions on that. As several people noted, it's a 501(c)3. My personal career was as a sailing coach for 30 years. I was a college coach for Old Dominion, the Naval Academy, and Hampton University. After that, I was 10 years with the U.S. Sailing team. I've traveled around the world, been to three Olympic Games, I've visited hundreds of sailing venues - probably thousands - yacht clubs, sailing centers, college centers, community centers. The opportunity at Fort Monroe is unparalleled. It is really special what we have the potential there, for sailing. It's truly magic. And just to clarify a couple of points, I thought Manager Bunting did a really good job explaining our program for us. A couple clarifications. The City already has the community center there and this pier is going to be a wonderful adjunct to that facility. It's going to be used for other purposes. And to some of the other speakers, the City's going to own that pier, they're going to own the floating docks. It's actually on State bottomlands, so it's actually not Fort Monroe property, once you step one foot into the water. The City owns it, the City can do whatever they want to with it in the future. It's not going to be Youth Sailing Virginia owning it. What Youth Sailing Virginia has done is we've raised just about \$100,000

and we've bought boats and sails and safety boats and we've started operations basically with a lot of self-help on used floating docks. When Manager Bunting was talking about buying boats, we have bought the sailboats already. We're using them. She was referring to buying additional paddleboards, canoes, kayaks, other boats - not necessarily sailboats - for other uses by the public through the community center. So I think that's a very important clarification. It's going to be a multi-purpose facility. Twenty, thirty years ago, when I started coaching at Old Dominion - was longer than that I guess - there was one college program in this area: Old Dominion Club Sport. Now there's four college programs at Old Dominion, Christopher Newport, Hampton University, and William & Mary. There's over 20 high schools in the greater area. This is all new. And there's even more college sailing programs and high school sailing programs on the whole Chesapeake Bay. And one other clarification of Manager Bunting's comments, actually the regatta we're hosting this weekend is the Mid-Atlantic Championships, and we're going to have schools from upstate New York, New Jersey, Washington D.C., and Maryland and Virginia. Eighteen teams that represent - they all had to qualify to come, so they probably represent close to a hundred teams throughout the Mid-Atlantic region. We hosted a regatta last year and some out-of-state teams came, they all looked and said "wow, we're coming back." It was our championship and here there are this year. I think we'll have more to come. The City has the Boo Williams Sports Complex, we have municipal golf, we have municipal tennis, we have a BMX track, we have swimming pools. We don't have a sailing center, or a boating center of any kind. This is a natural addition to some of those things. I don't play golf, I don't play tennis, I sail, okay? But I'm happy we have those other facilities. It's quality of life for all residents, and this is part of life, it's just adding to our water sports and our water-oriented community. I think about where sailing is compared to some other sports, sometimes it's viewed as an elitist sport, but you know, before Arthur Ashe in Richmond with tennis, before Tiger Woods in golf, sailing I think is on that path of much broader appeal. I think what Dr. Harvey's done at Hampton University being the first Historically Black College or University to have a college sailing team, first one in the country, and I was very proud to be the first coach of that program. Now it's been 20 years, I think. So this is the next step, to bring it to the broader community. Yes, there are community, there are other sailing programs in the area. I'm a member of Hampton Yacht Club, I'm the junior program director there, so I'm responsible for the junior program at the Yacht Club. I also, obviously, volunteer with Youth Sailing Virginia. You know, the Yacht Club program, we teach 25 new kids a year. We need to teach 1,000 new kids a year for sailing to grow and be healthy and be accessible. So let's not think small, let's think big, let's think water-oriented community, and let's do this project. Thank you for your support.

Mr. Terry C. Fuller approached the dais and made the following statement: I've lived there (Mill Creek) off and on since I was about 11. I started sailing for the Fort

Monroe Yacht Club when I was 11 to 12 years old in sunfishes. I think we have the most beautiful waterway there for sailing. It's a shallow body of water for kids when they're sailing and learning, they fall over, they can stand up in chest-high water. It's a beautiful place to be. You know, when Fort Monroe was closed, Mill Creek was kind of quiet. To see those sails going by when they had these championships is a beautiful sight. It's just breathtaking. Rick is a friend of mine, I've known him for years, and I let them use my pier for their boats to haul people back and forth to the floating dock that they have over at Fort Monroe, and I think they're right. That floating dock is getting weak, and these nor'easters and so forth that we've had, I think they need something else. It would be a wonderful thing. I don't know, the expense of that pier sounds hefty when you're in the \$1 million bracket. That's on the other side of Mill Creek, the northeast side, where I am, I take the beating the most. Over there wouldn't take the beating as bad. I think this will be a great move for Hampton, and Mill Creek and Fort Monroe, it would be a big boost to the economy, bringing all these teams in here. I'm all for it. Thank you for having me.

Mayor Tuck indicated this was the last speaker.

Mayor Tuck stated that he is not averse to sailing or a youth sailing program and he learned to sail at Old Dominion. His concern is the cost.

Councilman Moffett noted that one of the speakers mentioned the proposed plan of assisting disadvantaged youth who would not normally have an opportunity to sail. He asked how the outreach would take place by either the City or YSV, and how transportation concerns would be addressed.

Mr. Kevin Eley, YSV Board President, stated that YSV wants to make sailing accessible to the City's youth. They are actively seeking grants, having already received one that will be used specifically to offset the cost for sailors. YSV is also in talks with Parks, Recreation and Leisure Services (PRLS) at the Fort Monroe Community Center and with YMCA to organize a program with their summer camps. YMCA would also be able to transport children to Fort Monroe for the program since they already have that transportation in place for the Fort Monroe summer camps. He emphasized that the goal is to make it affordable, and YSV is working on obtaining grants and raising funds to allow as many children as possible to participate for free.

Ms. Bunting noted that this is not just a YSV pier. This is a partnership with PRLS. The City already has a community center there and no additional staffing costs are anticipated. The existing staff would be able to rent boats the City buys specifically for public recreation.

Councilman Moffett noted that he was interested in the reach of the regattas and asked Mr. Eley to share more information. Mr. Eley stated that the Mid-Atlantic Scholastic Sailing Association Championships include over 100 teams. These are the top 18 teams from Virginia, Maryland, Washington DC, New Jersey, and two divisions in New York. This is a busy time of year, so there was some difficulty in finding places to stay for all of them, so he appreciates the City's efforts to expand hotel offerings. This is something YSV would like to continue to expand. High school sailing is just the beginning because there is a good pool of volunteers. YSV is hoping to develop learn-to-sail programs in the summer with local high school sailors and college sailors serving as instructors.

Mayor Tuck asked how many regattas YSV has hosted this year. Mr. Eley stated that YSV has hosted or will host three regattas in the fall, and four regattas in the spring. Mayor Tuck asked if this was the first time YSV hosted the Mid-Atlantic Championships. Mr. Eley stated this is first time hosting the gold championship, but has hosted the silver championship, which is the second set of 18 teams. Mayor Tuck asked how many high schools come to the high school regattas. Mr. Eley stated that about 15 participate with 18 teams. Each team brings a crew for two different boats for two divisions, so approximately six to eight sailors, as well as coaches and parents. YSV anticipates approximately 150 people from out of town for this weekend's regatta.

Councilwoman Snead asked for clarification on today's action of transferring \$395,000. Ms. Bunting stated that this funding is coming from two sources. The largest source is the savings leftover from the Virginia School of Deaf & Blind demolition account. Taking it from this account does not impact any other project. There is a portion coming from the PRLS maintenance budget. She noted that the language needs to be enhanced on this budget because it encompasses both maintenance and new projects, such as the gazebo at Buckroe Beach. Staff does not see this as diverting funds from other needs as much as advancing an identified PRLS project for the community. This is an enhancement for the Fort Monroe Community Center.

Councilwoman Snead asked who would be responsible for building the pier. Ms. Bunting stated that Public Works Engineering will do the contract management. The contract has not been issued yet, and the vote tonight would advance the contract for design work. Once the design and construction documents are completed, the City will issue an RFP and go through the standard procurement practice. When the project is completed, it will be managed by PRLS. There will be a legal Memorandum of Understanding, which will come to Council for approval, for YSV and the programming they will offer in exchange for the ability to use the pier. Those have not been developed because there is no pier to lease yet.

Councilwoman Snead asked if the remaining \$400,000+ will come in the FY18 budget. Ms. Bunting stated that there was some funding already budgeted, so the amount needed in FY18 is just over \$300,000. Councilwoman Snead asked how much of the total budget is for items such as paddleboats, canoes, and other items that will support citizens. Ms. Bunting stated that originally \$50,000 had been set aside. She re-emphasized that YSV will be purchasing the boats they will be using. Staff has not broken down how many or types of boats yet. Councilwoman Snead asked if the majority of the cost is going towards design and construction of the pier. Ms. Bunting confirmed this.

Ms. Bunting noted that Mr. Bodie was the coach for three Olympic sailing teams and Mr. Kilgore was an Olympic sailor, so the City's high schoolers are learning from some of the best in the world. Councilwoman Snead indicated that Mr. Bodie is also in the City's Athletic Hall of Fame.

Councilman Gray stated that he supports the funding for building the pier. He noted that he recognized the limitations when he learned how the sailors got out to the floating docks. He stated that when he was gathering information from Ms. Bunting about this project, he indicated he needed two things to be able to support the program: a full discussion at a Council meeting to fully disclose the costs of the project and have any questions answered, and the City of Hampton looking at funding to provide opportunities through grants or summer camps for youth from disadvantage neighborhoods to learn sailing. With this investment up front, the City can build this program, add to tourism to support the City's economic growth, and give the City's youth the opportunity to experience a different sport.

Mayor Tuck apologized for missing a citizen speaker and gave him the floor.

Mr. David Corder greeted those on the dais and made the following statement: I want to give you a father's perspective from somebody who's been with the program for a little while. We heard from a new parent here. Let me give some of my background, so you guys can understand where I'm coming from with respect to my comments. I've got experience as a Sunday school teacher, youth group leader, youth soccer coach, youth baseball, youth softball coach. Dozens of school participations; I always give Science, Technology, Engineering, and Mathematics (STEM) things to school; my expertise is in computer science. I work at NASA, so I have a lot of STEM presentations. I love seeing these kids mature. My perspective is I just love seeing these kids in our community mature. They're our future, and I'm not telling you guys anything you don't already know about that. We're blessed in the City, and I've taken advantage of soccer fields, softball fields, and baseball fields. These are activities or utilities where we couldn't come together as a community without those types of facilities. So we're looking at one more activity

here that we can't come together as a community without something like a dock and a floating pier, something to help do this particular activity. It offers a lot of growth potential, participation in sports like this. What I told my soccer teams, my baseball teams, my softball teams, I would say, doesn't matter how good you are, just participating in this type of thing helps you grow, helps you mature. It opens doors, particularly as you go to college. When they want to put together a pickup softball team, pickup soccer game, you've got less of a nervousness about just going in there and meeting other people. You can talk to people, you can share your experiences and that opens up personal relationships. Those personal relationships then open up communication. Communication then fosters growth and success as well. Personally, Mr. Bodie was a little bit low on his 20 year number, he taught me in 1982 how to sail, but I wasn't able to follow up on it because I didn't have the ability to leverage any of the resources. The only resource I had was at ODU and I graduated in '83 and there went my resources. I've got two kids now who have been able to do something that I haven't been able to do. I could share stories of when I was doing it back in the '80's, the stuff that they do as well. There's practical aspects of maturity. Let me go through and talk about some of the things that this sailing activity helps with. Communication. These are two-person boats, you've got to communicate. One is a leader, one assists. The person who is new tends to assist, they help out, they have their own responsibilities of what's going on in the water, what's going on with the boats around them, they communicate with the leader and the leader says "okay, we're going to do this, I'm getting ready to do this, so heads up." They have to communicate and work in tandem. Very important life lessons, extremely important life lesson. Science, the sail is actually a wing. I didn't realize that until I was in college. The kids learn that now. They've got to learn how to shape that sail until it looks like an airfoil so the wind can pull them through the water.
Safety -

Mayor Tuck asked Mr. Corder to finish his remarks as his time had expired.

Mr. Corder continued: So critical thinking is what we get from aspects of the kids participating in this particular sport. They have to think about where they're going, how they're going to get there, all the activities associated with the maneuvers they need to make on the water, which is quite technical. So they learn critical thinking and communication. Thank you, I appreciate it.

Mayor Tuck indicated that there was already a motion on the floor and called for the vote. Ms. Glass stated that a new motion needed to be made.

This item was pulled from the consent agenda by Mayor Tuck as he had questions concerning the portion of the budget adjustments included in connection with the Fort Monroe floating

pier.

Councilwoman Schmidt made a motion to approve the item and Vice Mayor Curtis seconded the motion. No vote was taken on the motion as, during discussion, it was suggested that Council allow those citizens signed up to speak on this issue during the Public Comment portion of the meeting be allowed to speak at this time.

Vice Mayor Curtis offered a substitute motion, which was seconded by Councilman Hobbs, to take public comment on this item out of order. The motion carried as follows:

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

Following citizen speakers on this issue and discussion by Council, Councilwoman Schmidt made a motion to approve the FY 2017 first quarter budget adjustments. The motion was seconded by Vice Mayor Curtis and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett and Councilmember Schmidt

Nay: 1 - 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. [16-0281](#) Approval of the minutes from City Council's work session of March 9, 2016, the special session of August 10, 2016, the work session of September 14, 2016, and the ceremonial session of September 28, 2016.

Item approved.

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

4. [16-0345](#) Resolution Requesting \$1,520,370 from the Virginia Department of Transportation's FY18 Revenue Sharing Program and Authorization for the City Manager to Execute Necessary Project Agreements

Item approved.

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

5. [16-0346](#) Motion to Rescind the Appointment of Thomas Fukawa to the Board of Directors of the Peninsula Agency on Aging.

Item approved.

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

7. [16-0352](#) Resolution to Establish the Citizens Police Advisory Group (CPAG) as a Hampton City Council Appointed Committee

Attachments: [CPAG Summary](#)

Item approved.

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

8. [16-0357](#) Approval of Hampton City Council Meeting Calendar for 2017

Attachments: [FINAL - 2017 Calendar](#)

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 Public Hearings.

Use Permits

9. [16-0303](#) Use Permit Application No 16-00004 by American Legion Hall Post 67 to operate a lodge at 1307 LaSalle Ave [LRSN 2000246]

Attachments: [Updated Presentation](#)
[Updated Staff Memo](#)
[Addresses - Updated Staff Memo](#)
[Application](#)
[Narrative](#)
[Conditions](#)
[Floor Plan](#)
[Parking/Circulation](#)
[Staff Report](#)
[Exhibit A](#)
[Presentation](#)
[Resolution](#)

Ms. Bunting introduced Mr. Porter Stevens, City Planner, who provided a presentation on this item, which was deferred from last month.

Councilman Moffett asked if the applicant has been made aware of the noise ordinance as it is a high density residential area. Mr. Stevens stated that it had not been specifically discussed with the applicant. Mr. Abraham Phillips, the applicant, stated that he is aware of the City's noise ordinance as it also applied to their old location.

Mayor Tuck opened the Public Hearing.

Mr. Bob Saunders approached those on the dais and made the following statement: Thank you for your time here today. I don't know what was said concerning the parking that you all received. I understood from the last meeting that the parking issue - well, one of the issues - was the number of spaces. I believe I understood that was 49 spaces, when actually the church - I'm the broker selling the church - actually there are 72 parking spaces at the church, not 49. There was an

encroachment problem, which you all will be hearing later today, which took some of our parking spaces away, so they were not included. If you approve (Agenda) Item #16, then we get the spaces back. Also on the site, there is a 70-foot area directly in front of the church that would allow for an additional seven parking spaces if they were required. So, we can actually get close to 79 parking spaces on the site. Thank you.

Councilman Gray noted that there were currently 72 parking spaces on the site and the encroachment that will be addressed later in the meeting adds an additional 12 spaces. He asked Mr. Saunders if the 12 were included in the 72 parking spaces. Mr. Saunders indicated that they were included.

Ms. Marcia Adair greeted those on the dais and made the following statement: I'm probably just going to reiterate. There was a question mentioned in the September 14th meeting about the community hearing. That did take place on Thursday, July 21st, and the question from Mr. Mayor was did we have many invitations, and we did send out invitations. There was a list of commissioners that were invited and we did have that community hearing for the use application.

As there were no additional speakers, Mayor Tuck closed the Public Hearing and asked for a motion.

[NOTE: After voting on Agenda Item #11, Ms. Valldejuli clarified for the record that Council had voted for the recommended amended conditions, not the original conditions.]

Presented by Porter Stephens. A public hearing took place with Bob Saunders and Marcia Adair speaking on the issue and the applicant acknowledging that he is aware of the City's noise ordinance.

Following the public hearing, a motion to approve the use permit with ten amended conditions was made by Vice Mayor Curtis, seconded by Councilman Gray, and passed on the following vote:

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

Ordinances

10. [16-0331](#) Ordinance To Amend And Reenact Chapter 2 Of The Zoning

Ordinance Of The City Of Hampton, Virginia Entitled
"Definitions" By Amending Section 2-2 Entitled, "Definitions" To
Create The Definition Of Banquet Hall

Attachments: [Resolution](#)
[Redline Ordinance](#)
[Presentation](#)

This item was discussed concurrently with Agenda Item #11.

Ms. Bunting introduced Mr. Mike Hayes, Chief Planner, who provided a presentation on the Zoning Ordinance changes being requested regarding Banquet Halls.

Mr. Hayes indicated that areas of Fort Monroe (FM-1, FM-3, FM-4) will go through an administrative permitting process like Downtown and Phoebus and therefore can be administratively revoked. The FM-2 district is more residential with some commercial buildings. There is a Master Plan for Fort Monroe that specifies which building should have which use; therefore, staff proposes that this district require a Use Permit, so an applicant would need to go through the Planning Commission and Council. This would allow conditions to be attached and allow for review to ensure the proposed use is going into an appropriate building. There is also an extra layer of review through the Fort Monroe Authority. He emphasized that the City is not requesting any commercial use on the parkland (PO-1).

Mr. Hayes stated that standard conditions are recommended to ensure that these buildings do not become nightclubs. A lot of the conditions overlap with what the City attaches to live entertainment permits. He noted that the areas chosen for Banquet Hall use have plenty of public parking and have similar activities occurring in the area. It is not something that would be allowed amidst residences without similar activities already existing.

Vice Mayor Curtis stated that she has heard Councilwoman Schmidt comment on the lack of places for small wedding receptions, and she believes this will help to alleviate that need.

Mayor Tuck opened the Public Hearing.

Mr. James Cerracchio, Executive Director of the Downtown Hampton Development Partnership, greeted those on the dais and made the following statement: I'm here to speak on behalf of the Downtown Hampton Development Partnership. Our organization does support this change. We've been in communication with the Planning Department as they've been looking forward to it. Some of you know we even tested the waters earlier this summer when we hosted the first Hampton LGBT

Family Conference and Expo at the space using a Special Events Permit. We see this as an opportunity to bring in those smaller events and the weddings as Councilwoman Schmidt had mentioned, as well as other uses, fundraisers for nonprofits, things like that. We also really appreciate the idea of the Zoning Administrators handling the permitting process for the speed of it, but also so it could be revoked quickly if there are any problems with it. We urge the Council to approve it. Thank you.

As there were no additional speakers, Mayor Tuck closed the Public Hearing and asked for a motion.

Presented by Mike Hayes. A joint public hearing was held on 16-0331 and 16-0333 with James Cerracchio of the Downtown Hampton Development Partnership being the only speaker on the items.

A motion to approve the ordinance was made by Vice Mayor Curtis, seconded by Councilwoman Schmidt, and passed on the following vote:

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

11. [16-0333](#) Ordinance To Amend And Reenact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-2 To Add "Banquet Hall" To The Use Table And Permit The Use In DT-1, PH-1, FM-1, FM-3, and FM-4 With A Zoning Administrator Permit, And FM-2 With A Use Permit, As Well As Section 3-3 Pertaining to Additional Standards As They Pertain To Banquet Halls

Attachments: [Resolution](#)
[Final Use Table](#)
[Redline Use Table](#)
[Red Line Banquet Hall Standards](#)

This item was discussed concurrently with Agenda Item #10.

Presented by Mike Hayes. A joint public hearing was held on 16-0331 and 16-0333 with James Cerracchio of the Downtown Hampton Development Partnership being the only speaker on the items.

A motion to approve the ordinance was made by Vice Mayor Curtis, seconded by Councilwoman Snead, and passed on the following vote:

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

Resolutions

12. [16-0334](#) Resolution to approve the granting of licenses to the following properties: LRSNs: 13001532, 13001533, 13001534, 13001535, 13001536, 13001537, 13001538, 13001539, 13001540, 13001541, 13001542, 2002950, 2002892 and 2002894 to allow said properties to use certain designated parking spaces on the bottom floor of the Settlers Landing Road Parking Garage

Attachments: [Exhibit A](#)

Ms. Bunting stated that this item clarifies the use of certain spaces in the Settlers Landing Road Parking Garage. When that parking garage was built, certain properties adjacent to the Settlers Landing Road Parking Garage were assigned parking spaces on the bottom floor for a fee pursuant to an agreement with the Parking Authority of the City. Council later determined that all public parking facilities would be open to the public free of charge, with exception of the then contractual agreements with the owners of the Harbor Square Building Parking Garage. The agreement to allow certain properties to use assigned parking spaces was thus suspended.

Ms. Bunting stated that the owners of the properties to which parking spaces were assigned desire to continue to use the parking spaces in the garage and based upon conversations with Council, it is apparent that Council desires to continue the arrangement as well. The City Attorney's Office drafted language to allow parking spaces on the bottom floor via a revocable license. Staff recommends approval.

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

Following a public hearing with no speakers present, a motion was made by Councilmember Gray, and seconded by Vice Mayor Curtis to approve the resolution. It passed on the following vote:

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

13. [16-0337](#) Resolution Authorizing the Transfer From the City of Hampton to the Hampton Redevelopment and Housing Authority One (1) Lot on Harris Creek Road, LRSN: 11000632

Attachments: [Deed of Gift - Harris Creek Road Parcel](#)
[Deed of Gift Exhibit A](#)

Ms. Bunting noted that Council adopted a resolution in which the Hampton Redevelopment and Housing Authority (HRHA) was designated as the agency to implement the City's Comprehensive Plan as it relates to residential development and redevelopment. In the past, the HRHA has acquired properties consistent with this policy. The City originally acquired this property for residential redevelopment before adopting the Resolution assigning responsibility to HRHA. The City desires to transfer the property to HRHA for redevelopment in accordance with the City's Comprehensive Plan. Staff recommends transferring the property to HRHA subject to the condition that HRHA pay over to the City any net proceeds from the sale of the lot without further notice or demand.

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

Following a public hearing with no speakers present, a motion was made by Vice Mayor Curtis, and seconded by Councilwoman Snead to approve the resolution. It passed on the following vote:

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

14. [16-0349](#) Resolution Authorizing the Execution of a Lease Agreement Between the City of Hampton and the Peninsula Golf Center, Inc. to Use 13 Acres of Real Property Located at 100 Seldendale Drive

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

Ms. Bunting stated that Peninsula Golf Center, Inc., formally known as the Peninsula Driving Range, Inc., desires continued use of the property at 100 Seldendale Drive

to operate a golf driving range, offer golf lessons, and sell golf equipment. The current lease for the property expired on September 30, 2016. PRLS recommends approval of the attached lease agreement, a term of five years from October 1, 2016 to September 30, 2021 with rent maintained at the current level of \$10,200 per year.

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

Following a public hearing with no speakers present, a motion was made by Councilwoman Schmidt, and seconded by Councilwoman Snead to approve the resolution. It passed on the following vote:

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

PUBLIC COMMENT

Ms. Glass read the protocol for the Public Comment session.

Mr. Donald R. Boyce, Jr. greeted those on the dais and made the following statement: First, I would like to compliment the City Attorney for taking the time after the September 14th meeting to address two issues that I had with her. Although she stated that the inmates still perform trimming of the edges of the roads, the entrances and exits from the ramp, West Mercury Boulevard and LaSalle Avenue are still overgrown and has reached the point of almost driving through a forest. I personally have not seen any inmates working on the roads that I travel on a daily basis. I did, however, notice a contract crew has been working on LaSalle Avenue, doing the edges of the road itself. I did not receive a call from Public Works since the last meeting, which was an improvement over the misinformation I received from the previous month. The patching of two sections of King Street Bridge overpass and the trimming of some of the overgrown sides of East Mercury Boulevard does not address the real problems associated with East Mercury Boulevard, State Route 258. This question doesn't have to be answered tonight, but I'd like an answer to it. Has the City approached the State for funding assistance if needed? The City sale of property appraised at \$1.2 million+ at our last meeting for \$1, and the sale of property appraised at over \$600,000 for \$2 indicates to me that we have plenty of money to fix all of East Mercury Boulevard from King Street to Phoebus. Additionally, we have had sufficient funds since we have resurfaced Grimes Road from Pembroke to Andrews Boulevard, South Boxwood from Pembroke to Pritchard - it's a dead-end street beyond Old Point Avenue - Magnolia off of South Boxwood - a dead-end street - dead-end streets from Pembroke Avenue between East Hampton Bridge and East Mercury Boulevard. Just to name a few: Holly, Myrtle, Juniper, and

North Cypress. South Cypress was also done to Old Point Avenue. I agree with the gentleman that spoke at the July City Council meeting; citizens' concerns should be addressed before the agenda items, which I personally believe have already been decided in closed door meetings before City Council public meetings. I've recently learned the City Council is going to conduct two meetings per month. You can expect to see me at most of the meetings until the City reaches a proper solution for the safety of the citizens of Hampton on East Mercury Boulevard.

Mr. William E. Webster greeted those on the dais and made the following statement: I came down tonight to welcome Donnie Tuck to the Mayor of the City of Hampton, Virginia. I have not been in this chamber since you've been elected. Could've called you. Could've emailed you. Could've even mailed, but I thought I would personally want to thank you for giving up your seat to run for Mayor. It took a man with heart, guts, and faith in the people to move forward. I noted that the newspaper often quoted you as an outsider. Let me tell you, things are not always seen as they appear. You were always an insider in my book, that's why you're sitting in that seat. The outsider's gone, thank God for that. To sum it up best, I could fill this room - oh, got my word in wrong. I can put you in a room full of men, a room full of men. Picture a room full of men I could put you in. There I would find you, standing, a man amongst men. I stand behind you 100%, backing all the way. Thank you.

Mr. Leo Smith greeted those on the dais and made the following statement: This is my first time coming to a meeting as such, and I was going to defer, but I just got to - I just want to make a statement as far as, I did a lot of research within the City Council meetings, especially dealing with the Virginia Deaf and Blind school, to where, for over a decade, there was inability for somebody to make a decision. There was a lot of proposals, doing this and doing that, and then I come to find out that it was slated for demolition, which is in the process, if not done already as close to it. I went on an online chat with one of the Councilmembers here, and then in my research on the Virginia Deaf and Blind school, what the intention of it was to be, I came across to where that there was money allotted by the State up to a tune of \$55 million that they recover later on through the Federal system, and then I talked to Mr. (Bruce) Sturk, nobody said anything about anything. And then I come to find out that there was a denial from the Department of Veterans Services for a home, you know, for a veterans care center. And then when I went through the Freedom of Information Act through the (City) Attorney's Office, I started looking at them, and then I'm a little perplexed about the transparency. Why weren't us as one, Virginians, second as Hamptonians, and then as some veterans, which this community is solely military oriented; we take pride in that in this area. All Hampton Roads, we have just about every service here, all of them. I'm just a little at loss with the transparency of how we didn't do this and do that, and then when I go down through the criteria that the Department of Veterans Services put forward, how the

City kind of failed at 58 points out of 100 on two properties. To where if we had the Virginia Deaf and Blind school, if we offered that as taking care of veterans that served, our individuals that served and give them a care center, and then that could also go into a one-stop shop, which the Department of Veterans Services is also looking for. I'm just a little lost on that. I've done a lot - some - research, and I can look at numbers. That's \$5 million in there, \$7 million for another piece of property that we're just going to give up without maybe going out into the commercial people and giving them better incentives. To me, there's a little bit of wasted money in my opinion, because you're putting \$42,000 for a conceptual design. I don't know, I just need some help on how decisions are being made and how effective do they - do we look at everything in its totality instead of just pinpointing one thing? Because all I heard was revenue, revenue, revenue. We need to make money. When I see Lincoln Park gone away down here, and I see where the new court system is, all that housing that went. So I mean, I'm just a little perplexed on how decisions are made in such a manner.

Mayor Tuck informed Mr. Smith that his time had expired. He added that the City Manager could respond now or have someone contact Mr. Smith with the information he is seeking. He noted that the City made a significant effort to obtain a veterans care center, offering three properties that were all rejected. While he understands Mr. Smith's thinking about offering the school as a possibility, there was a difficulty of access for those who did not have their own transportation.

Ms. Bunting stated that she had met with Mr. Smith before and will be happy to follow up with him. Mr. Smith indicated that 311 has his contact information.

Ms. Sandra Canepa greeted those on the dais and made the following statement: In today's paper, this article here quotes Councilman Moffett as saying the vagueness of the new guidelines from a Council retreat in August is the reason Council voted for former Mayor George Wallace to sit on a second board. The applicable portions of the board appointments from the minutes of that 10 August meeting also are quoted in the article and in reviewing these minutes, I found nothing vague at all in them. In the guidelines, excuse me. The express guidelines basically but clearly state citizens can sit on only one board at a time unless a second board that citizen sits on meets only once or twice a year. Mr. Wallace was appointed in June to sit on the Peninsula's Airport Commission's board and that board meets monthly. Yet, contrary to 10 August's clearly outlined guidelines, four Councilmembers voted in September to approve Mr. Wallace's appointment to sit on a second board, a board that meets monthly, not just once or twice a year, and that's our Economic Development Authority Board (EDA). Furthermore, this article in the Daily Press points out something that, in my opinion, is clearly a conflict of interest for Mr. Wallace to sit on these two boards. By completely ignoring Council's clearly, not

vaguely, stated guidelines from the August 10th retreat, George Wallace now not only sits on two boards, both of which meet monthly, but he is sitting on two boards that will quote "make decisions and recommendations that affect Hampton's economic atmosphere." So again, here is a conflict of interest in this mix. Taking this information into consideration, request Council ask Mr. Wallace to resign immediately from the Peninsula Airport Commission's Board or, if he won't do that, request Council, in all honesty and fairness to Hampton and its citizens, rescind Mr. Wallace's appointment to Hampton's Economic Development Authority Board. Plus, it would be nice, before I end, if Council would explain, at some point, not tonight necessarily, why Mr. Wallace was appointed to the EDA board only a day before Council's September vote when two other people had been listed for potential appointment in the Council's agenda for months. Thank you.

Mr. Frank J. Ottofaro, Jr. greeted those on the dais and made the following statement: I've been a resident of Hampton my entire life. I'm here to continue my dad's fight about eminent domain rights and justice regarding a property that was seized by him - from him - and my mother by the City of Hampton in 2000 for the Power Plant road to be built. Now that road, on an original map, would've placed my father's property on a corner lot of Pine Chapel Road and what is now known as Power Plant Drive. The City, when he refused the first offer - or the only offer, actually - he received, they decided to change the map to redirect that road's path, which chopped off, basically, Queen Street. I mean, Danny Edwards from Danny's Glass Shop was very irate about that when they suddenly did it and he was never told. They purposely changed the path of that road to use eminent domain law, which is a granted power that the State of Virginia gives them, to take property for any type of project that they might want, as long as it's public need. Well, everybody knows the Power Plant is a retail development project. Until that road was finished and adopted by the City of Hampton, it was a private road, okay, a private road. And you can't take property from people for a private road. It's got to be for public use. And eventually it was, after the City had adopted it. So anyway, a lot of things were done wrong, property was taken from them, and right now, to this day, to make it fair and equal to the two and a half times offer that everyone else got for their houses in that area, for that road as well, and that general area for the Power Plant development, the City of Hampton owes the Ottofaro family \$240,000 with 16 years and 10 months of accrued interest on that \$240,000. And my dad came down here for 12 years. He wasn't in good health. He saw a lot of Mayors change, a lot of City Councils change, but there are a few of you that still remain. George Wallace was one of them; he was the City Manager at the time all this happened. He was told by George that no property would be taken if they refused the City's offer. Well, obviously that was a lie. It was done, it was taken. Right before Christmas, they bulldozed it down knowing that we had an appeal in to the Virginia Supreme Court to stop the demolition. But the City of Hampton court system let them take it down

anyway, without any demolition plan, no demolition contractor selected, nothing. They still allowed them to go forward and take that house down. If you remove the subject of debate, the Supreme Court of Virginia will not hear a case, so they knew what they were doing. It was done dirty. We're asking that you folks fix it. You have the power to fix it. You were appointed in those seats to take care of the City taxpayers' problems and needs. Although it has been through the justice system, his case was used to change the laws in this Commonwealth for eminent domain for other people. So I ask that you fix what you did to my parents. I would appreciate it. Now before I leave, I want to bring up Mr. Deerfield. Eddie Deerfield right now is in the hospital. He's in ICU. If you get with me later, I will give what hospital that is and maybe you want to stop by or see him. He's come down here for years, just like us and spoke to you folks. The other thing, good job on the Matthew, I mean the storm over the weekend. I saw big turnouts of City people. That was excellent, excellent, and it was very visual.

GENERAL ITEMS

Ordinances

15. [16-0325](#) Ordinance to Amend and Reenact Chapter 1 of the City Code of the City of Hampton, Virginia Entitled "General Provisions" by Amending Sections 1-15, 1-16, 1-17 and 1-18 and adding Section 1-19 to provide that an additional five dollars will be added to the costs in each criminal or traffic case in the Hampton courts to provide additional funding for the Hampton Police Division's Criminal Justice Academy

Attachments: [Redline](#)

Ms. Bunting noted that this item had been deferred from the last meeting, pending an opportunity for her to address some of the concerns raised. She understands the primary concern was not support for the Hampton Police Division (HPD), but a concern about the perception of police officers being required to write tickets to generate funding. She was asked to determine if it was possible to find funding in the budget and to assure the public that officers would not be required to write a certain number of tickets.

Ms. Bunting stated that it is possible to readjust the budget to cover the anticipated increased revenue from this program, but she would have to take that recurring amount from somewhere else in the budget. The State has already indicated that they will be facing a budget deficit and will have to make cuts to the adopted biennium budget. Typically when this happens, the State cuts funding to local governments, so the City will be facing those cuts from its revenue. A continued high

priority of both the Council and the City Manager is providing consistent and regular pay increases for employees. There is a need for additional police officers, discussion about expanding the City's summer youth employment program, and possibly starting an employment program for former convicted felons. These are all new costs not currently in the budget.

Ms. Bunting noted that when she saw there was legislative authority to provide funding for training that was not being used by the City, she discussed it with the Chief of Police and they decided to advance the issue to Council. It is estimated to generate approximately \$138,000.

Ms. Bunting stated that she would approach this fee as she does the Emergency Medical Services (EMS) fee charged for Fire and Ambulance services. The City makes the best reasonable estimate based upon trend data and puts this number in the budget. Once that number has been determined, the City puts that amount into the Fire Department budget. If that number is not reached, the City does not take that funding away from the Fire Department budget, but finds revenue to cover that gap. This would be the same practice for HPD. This would take away any potential pressure felt by police officers to write tickets. Any excess revenue received from the program would go to HPD. She indicated that this fee gets applied to more than just traffic tickets.

Ms. Bunting noted that State does not give localities a lot of revenue choices, and this is one the City has not taken advantage of. When the City goes to the State and asks for expanded authorities, it often asks if a locality has availed itself of all the powers already given. She stated that this is a discretionary cost, only applied to people who are charged with breaking the law. If a person is found innocent, they do not have to pay this fee. It applies to everyone charged in Hampton, whether or not they are residents.

Ms. Bunting stated that there are several options available to Council at this point. It can decide not to pursue the fee at all, which staff does not recommend because the City would be leaving money on the table. Council can approve the Ordinance tonight, and she recommends that if this choice is taken, Council amend the Ordinance to have an effective date of January 1, 2017 to allow the Clerk of Court adequate time to make the changes in the court system. This would mean approximately half of the \$138,000 would be generated the first fiscal year. She noted that once a budget is adopted, the City cannot amend local revenue estimates in the middle of the year. This means money will accrue but not be available to HPD until the first of the fiscal year. It would accrue into Fund Balance, and at the start of the next fiscal year, approximately \$70,000 would be immediately available to appropriate to HPD. She and the Chief are looking to use that one-time money to

acquire the simulation equipment mentioned during previous meetings. This would allow that simulation capability to be made available to Hampton residents so they can have a better understanding of what HPD does. She believes this is a high priority for building community relationships. The third option is to defer action until the budget process. If this is done, she still recommends purchasing the simulation equipment, so approximately \$50,000 would be set aside in the City Manager's Recommended Budget to purchase that equipment, with the remaining balance of the \$138,000 available for police training.

Councilwoman Snead stated that she is not against the fee. She is against imposing a fee in the middle of the budget, because the total budget picture is not available. There are several items that Council does not know about that could change between now and when the budget is approved, to include estimated property taxes and what the State is going to cut. She does not believe Council should get in the habit of setting fees outside of the budget process. She supports the intent of the fee and what it is going to fund, and if it was part of the budget process, she would approve this Ordinance. Because it is not, she will not.

Councilwoman Schmidt stated that Council is expecting HPD to participate in 21st Century Policing. Part of this includes de-escalation techniques to protect officers and citizens, but also to protect criminals. Two weeks ago this was done during an attempted carjacking. The de-escalation techniques used by a second officer saved an officer and a criminal's life. She stated that she cannot think of a better place for this funding to come from than from an optional fee; if a person is not in the court system and has not been convicted of a crime, then the fee is avoidable.

Vice Mayor Curtis stated that she does not believe anyone in the room does not believe the cost of improved and increased police training is a good cost. She noted that the State budget shortfall is going to be critical. When there was a shortfall a few years ago, the State sent Hampton a bill for several hundred thousand dollars. This is money the City had budgeted that will disappear. She stated that the General Assembly gives localities very few opportunities to raise revenue, while also telling localities programs they must fund. This is an opportunity that has been afforded to the City. She stated that this fee spreads the cost of improving HPD among not just Hampton taxpayers, who will directly benefit from it, but from people who pass through the community and break the law. She stated that she hopes Council will support not waiting until July 1, 2018.

Councilman Gray noted that he had been concerned about the perception of writing tickets for training revenue. In 21st Century Policing, building better community relations includes issuing more warnings before going directly to making arrests or writing tickets. Since the City Manager has explained that HPD will receive funds in

the budget to support their training and equipment needs, even if the fee revenue does not equal what was budgeted, funding will not be cut from HPD. He supports the fee, and it does not matter if it is implemented now or later.

Councilwoman Snead indicated that she supports additional funding for police training but objects to this being accomplished outside of the regular budget cycle. A motion to approve the ordinance with an enactment date of January 1, 2017, was made by Vice Mayor Curtis, seconded by Councilwoman Schmidt, and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Nay: 1 - Councilmember Snead

Resolutions

16. [16-0344](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to The Most Reverend Francis X. DiLorenzo, Bishop of the Catholic Diocese of Richmond, Virginia, Successor in Office to the Most Reverend Walter F. Sullivan, for the Benefit of Our Lady of Vietnam Catholic Church of an Area Comprising 4,755 Square Feet, More or Less, Over a Portion of a City Property Adjacent to 1307 LaSalle Avenue

Attachments: [Encroachment](#)

Ms. Bunting stated that this is the encroachment referenced earlier with Agenda Item #9. Staff recommends approval.

A motion to approve the resolution was made by Vice Mayor Curtis, seconded by Councilwoman Schmidt, and passed on the following vote:

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

Appointments

Ms. Glass read a summary motion for the deferred appointments.

Ms. Glass read a summary motion for the remaining appointments.

17. [16-0211](#) Consideration of appointments to the Board of Review of Real Estate Assessments

Appointed Julianne Cyr to the Board of Review of Real Estate Assessment for a term expiring on June 30, 2020.

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

18. [16-0215](#) Consideration of appointments to the Hampton-Newport News Community Service Board

Reappointed Thomas Moorehouse, III and appointed Dr. Morgan Russell to terms on the Hampton-Newport News Community Services Board expiring on June 30, 2019.

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

19. [16-0222](#) Consideration of appointments to the Peninsula Stadium Authority

A motion was made by Vice Mayor Curtis, and seconded by Councilman Hobbs to defer this item until January 11, 2017. 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

20. [16-0283](#) Consideration of appointment to Planning Commission

Appointed Dr. Christopher Carter to a term on the Planning Commission which will expire on September 30, 2020.

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

21. [16-0292](#) Consideration of appointments to Athletic Hall of Fame

Appointed Boo Williams to an unexpired portion of a term on the Athletic Hall of Fame to expire on June 30, 2017.

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

22. [16-0295](#) Consideration of appointments to Animal Control Advisory Committee

Appointed Dan Winters to a term on the Animal Control Advisory Committee expiring on September 30, 2020.

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

23. [16-0297](#) Consideration of appointments to Golf Course Advisory Committee

Reappointed Terry Anderson and Nick Hobbs to terms on the Golf Course Advisory Committee expiring on September 30, 2019.

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

25. [16-0302](#) Consideration of appointments to Hampton Federal Area Development Authority (HFADA)

Attachments: [HFADA Recommendation](#)

A motion was made by Vice Mayor Curtis, and seconded by Councilman Hobbs to defer this item until November 9, 2016. 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

26. [16-0341](#) Consideration of appointments to Hampton Commission on the Arts

Appointed Thomas Cagley and Rick Allison to complete unexpired terms on the Hampton Commission on the Arts expiring on June 30, 2020.

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

27. [16-0343](#) Consideration of appointments to Youth Commission

Appointed the following individuals to the Hampton Youth Commission: Mark Almond, Eliyah Burwell, Zavion Findlay, Brianna Fitzgerald, MacKenzie Grimm, Morgan Harris, Keyshaun Howard, Jeremiah Howie, Chistopher Jennings, Kayla Lawrence, Alex Luchtenberg, Sonya Medina, Natalie Missey, Mariah Nolen, Madison Odallo, Nmadinobi Okafor, Michael O'Keefe, Kirtan Patel, Jalen Powell, Brandon Robinson, Catriona Sixbey, Ashleigh Stukes, Jenay Lynch, Michael Sutton, Gabrielle Thomas, Xavier Williams and Zhakyia Woodley.

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

Councilwoman Schmidt commented on the public process for the Boards and Commissions. This afternoon, Council discussed variables and the need to revisit some of the items on which Council had not been firm. One of the items Council had been firm on was a citizen being allowed to serve on two boards, if they were serving on a local board and a regional board. This was the situation that Ms. Canepa had mentioned, and some of the items she addressed were not quite true. Council had not been firm on what was agreed on during the retreat, and it was not that Council went out of the bounds of its guidelines, but that there is a misunderstanding, and Council still needs to discuss some of the processes. She

thanked Ms. Canepa for speaking on the matter.

Councilman Gray acknowledged Daily Press reporter Mr. Ryan Murphy, who was recently recognized as the Best Young Journalist in Virginia. He is glad to see the best covering City Hall.

Councilman Hobbs stated that the City recently lost volunteer firefighter and community leader Ed Gwaltney. He was 87 years old, and he was one of the people who made it cool to grow up in the City of Hampton.

Mayor Tuck acknowledged Deputy Williams, the City Council bailiff, and the atmosphere of calm and security he helps to maintain. Vice Mayor Curtis noted that she has known Deputy Williams for many years, as he was the court bailiff for many of her final years as the Commonwealth's Attorney.

Vice Mayor Curtis acknowledged all the hard work the City employees did during Hurricane Matthew. She shared several stories that had been shared with her.

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 9:26 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____