



# 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, July 13, 2016**

**6:30 PM**

**Council Chambers**

---

### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:35 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, Mayor Donnie R. Tuck, Councilmember Will Moffett and Councilmember Teresa V. Schmidt

### DONNIE R. TUCK PRESIDED

### INVOCATION - Vice Mayor Linda Curtis

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Donnie Tuck introduced City of Hampton Master Police Officer (MPO) Tom Hendrickson, Senior Police Officer (SPO) Scott Quesenberry and the newest member of the Hampton's Police Division (HPD) K-9 Unit, "Justice". Mayor Tuck announced that the HPD is seeking to add another bloodhound to its K-9 Unit due to the increase of search and rescue operations. K-9 Justice will work with SPO Quesenberry until the current apprehension and narcotics K-9 Icon, Belgian Malinois, retires in the spring of 2017.

Mayor Tuck continued stating that the HPD has been fortunate over the years to have bloodhounds donated with the last two donations made by Ms. Tammy Bybee, breeder and a police officer with the Duck, North Carolina

Police Department. He emphasized that the donation of the dogs and the in-house training of the dogs results in significant savings to both the City and its taxpayers.

At Mayor Tuck's request, Officer Hendrickson provided the following information about the City's K-9 Unit. The K-9 Unit has served the citizens of Hampton for 56 years. Hundreds of hours of training will go into preparing K-9 Justice for criminal apprehension, and search and rescue operations. The K-9 Unit not only services Hampton, but also serves adjoining jurisdictions including Poquoson, York County, Williamsburg, James City County, Suffolk, Chesapeake, Norfolk, Virginia Beach and others. The Hampton K-9 Unit does highly important work and assisted in the well-known Hanna Graham case in Charlottesville.

The members of Council came forward to meet K-9 Justice.

MPO Hendrickson announced that Officer Quesenberry has been selected to work with K-9 Justice because of his impressive work in the K-9 Unit including his work associated with K-9 Icons, criminal apprehension, and narcotics.

At Mayor Tuck's request, MPO Hendrickson shared information about the K-9 training process.

At Councilman Hobbs request, MPO Hendrickson spoke about the Atlantic K-9 Vest Fund, a program which provides bullet-proof vests for K-9 officers.

HPD Chief Terry Sult announced that representatives from the Atlantic K-9 Vest Fund will attend the next Council meeting to speak about and be recognized for the services they provide.

Mayor Tuck thanked the officers, including K-9 Justice, for their attendance and wished them well.

## **CONSENT AGENDA**

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

## **Approval of the Consent Agenda**

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

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

1. [16-0182](#) Approval of the minutes from the legislative session of March 23, 2016, and the work session of June 8, 2016.

Item approved.

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

2. [16-0220](#) Request for Approval of Refund(s) and/or Abatement(s) for Tax Year 2016

**Attachments:** [Refund Application](#)

Item approved.

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

3. [16-0233](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to Dennis and Tammy Johnson of an Area Measuring 1,102 Square Feet, More or Less, of the Right of Way of E. Mercury Boulevard for the Installation of a Fence

**Attachments:** [Encroachment](#)

Item approved.

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

4. [16-0244](#) Resolution Determining Arcadia Publishing, Inc. to be the Only Source Practically Available From Which to Procure Publishing Services Associated With the Text Titled "On This Day in

Hampton, Virginia History"

Item approved.

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

5. [16-0246](#) Resolution to Rescind Resolution 02-2575 that established the Hampton Tourism Advisory Committee

**Attachments:** [HTAC Resolution](#)

Item approved.

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

6. [16-0247](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2015-2016 Early Intervention Services for Infants and Toddlers with Disabilities and their Families Contract Amendment, Part C of the Individual with Disabilities Education Act

**Attachments:** [Memo - Allocation amounts](#)  
[04515-17LEB-16-City of Hampton](#)

Item approved.

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

7. [16-0248](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2017 Virginia Drug Treatment Court Program Grant through the Supreme Court of Virginia

**Attachments:** [Hpt-NN Adult Drug Court Award Acceptance](#)  
[Hampton Adult Award Letter](#)  
[Hampton Special Conditions](#)

Item approved.

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

8. [16-0250](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of Funds for the 2016 Tobacco Use Prevention for Children received from the Virginia Foundation of Healthy Youth

**Attachments:** [Hampton Parks Signed Contract](#)

Item approved.

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

9. [16-0251](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the Flood Mitigation Assistance Grant Program through the Virginia Department of Emergency Management

**Attachments:** [FMA Grant Award](#)  
[Cover Memo](#)

Item approved.

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

10. [16-0255](#) Resolution Authorizing an Advance of \$875,000 to the Parks and Recreation Maintenance Projects, \$1,549,250 to the Public Works Capital Projects and \$3,839,294 to the School Maintenance Projects from the City's General Fund Unassigned Fund Balance.

Item approved.

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

11. [16-0256](#) Resolution Appropriating \$67,500 from the Pearl Young Fund

Restricted Fund Balance to reimburse the Coliseum Central Business Improvement District, Inc. for the purchase and installation of benches for bus shelters located in the Coliseum Central Area

Item approved.

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

12. [16-0257](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016 African Arrival Day Program Grant from the Commonwealth of Virginia Jamestown-Yorktown Foundation

**Attachments:** [Agreement](#)  
[Signatory Authorization](#)

Item approved.

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

13. [16-0258](#) Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending: Article 1 Section 5-2, Section 5-6, Section 5-7, Section 5-8, Section 5-11, and Section 5-12; Article II Section 5-24, Section 5-24.1, and Section 5-26; Article III Section 5-37, Section 5-38, Section 5-40, Section 5-42, and Section 5-43; Article IV Section 5-53, Section 5-54, and Section 5-57; Article V Section 5-77, Section 5-79, Section 5-82, Section 5-84, Section 5-85, Section 5-86, and Section 5-87; Article VI Section 5-100, Section 5-101, Section 5-102, Section 5-103, Section 5-104, and Section 5-105; and Article VII Section 5-106, and Section 5-108

**Attachments:** [Ordinance](#)  
[Redline](#)

Item approved.

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

14. [16-0259](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016 Open Grant Program through the Virginia Foundation for the Humanities

**Attachments:** [VFH Project Description 3.31](#)  
[VFH Project Narrative](#)  
[VFH Grant Budget revised \(2\)](#)  
[VFH-17-08 OGP](#)

Item approved.

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

15. [16-0261](#) Resolution Approving the City of Hampton, Virginia's Receiving OG Grant Funds from the Office of the Attorney General to Facilitate a Youth Camp Program to be held in August of 2016.  
Item approved.

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

16. [16-0262](#) Resolution Approving Staff Allocation of Funding Sources for Existing Capital Budget Expenditures Which Have Been Appropriated and Approved  
Item approved.

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

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

The Clerk read the protocol for Public Hearings.

**Use Permits**

17. [16-0242](#) Use Permit Application No. 16-00002 by Debbie Privette to permit a daycare at 1741 W. Queen Street

Attachments: [Conditions](#)  
[Application](#)  
[Narrative](#)  
[Floor Plan](#)  
[Site Plan](#)  
[Staff Report](#)  
[Presentation](#)  
[Planning Commission Resolution](#)

The Clerk read the title for this item.

City Planner Tolu Ibikunle clarified that this request is for a commercial daycare 2 operation (not a daycare 3 operation) because the Zoning Ordinance has changed to this new classification.

Ms. Ibikunle noted that approximately 15 people from the community attended the community meeting held on May 17, 2016; and, no one spoke in opposition to the proposal.

Ms. Ibikunle stated that staff and the Planning Commission recommend approval of the application with 11 conditions. She also noted that the applicant was in attendance.

Ms. Ibikunle opened the floor for questions from those on the dais. No questions were posed.

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

Presented by Tolu Ibikunle. A public hearing was held with no speakers present. A motion was made by Vice Mayor Curtis and seconded by Councilwoman Snead to approve this item with 11 conditions. The vote was as follows:



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

## Ordinances

18. [16-0241](#) Zoning Ordinance Amendment to amend and re-enact Chapter 9 of the Zoning Ordinance of Hampton, Virginia Entitled “Overlay Districts” by amending Article 5 - Infill Housing Overlay by creating an exemption for older beach house development in Buckroe and Grandview Island

Attachments: [PC Resolution](#)  
[Redline Amendment](#)  
[Presentation](#)

The Clerk read the title for this item.

Chief Planner Mike Hayes stated that this amendment relates to the Infill Housing Overlay which affects much of the City; it also relates to properties that have a base zone (general provisions governing the property). He noted that in this case, it relates to properties zoned R-8, R-9, R-11 and R-13, typical single-family subdivision base zones. He also explained that in cases where existing lots are smaller than what the zones require, this overlay imposes additional conditions to assure that the new development fits the character of the neighborhood. Mr. Hayes announced that this did not work in some areas such as Malo Beach and Grandview due to the specific conditions in these neighborhoods; however, it works well in our classic gridded neighborhoods.

Mr. Hayes stated staff and the Planning Commission recommend approval of the Zoning Ordinance amendment to make the changes and exclude these two areas (Malo Beach and Grandview) from the requirements.

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

Presented by Mike Hayes. A public hearing was held with no speakers present. A motion was made by Vice Mayor Curtis and seconded by Councilwoman Snead to approve this item. The vote was as follows:

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

19. [16-0249](#) Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 2 Entitled, "Definitions" Pertaining to Definitions Related to Signage

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

The Clerk read the title for the item. She noted that this item and item 16-0252 will be heard simultaneously; however, they each require separate motions and votes.

Senior Assistant City Attorney Bonnie Brown explained that in 2015, the U.S. Supreme Court decision to side with a church from Gilbert AZ (Reed v. Town of Gilbert AZ) changed the landscape for all localities that regulate signage. She continued explaining that the town of Gilbert treated signs according to the message being displayed. A church sued after being treated less favorably after displaying signs regarding church services. The court sided with the church determining that it was an illegal content-based restriction, resulting in the decision to expand what is considered a content-based regulation.

Ms. Brown clarified that the purpose of these amendments is to amend how we regulate signage in the Zoning Ordinance.

Ms. Brown spoke about the proposed changes. She emphasized that the most significant change relates to temporary signage. She added that a sign table will be adopted which will be easier to understand and will regulate signage in a way which is consistent with the Supreme Court.

For the benefit of the public, City Attorney Vanessa Valldejuli emphasized that the Reed v. Town of Gilbert, AZ decision affects not only Hampton, Virginia, but also every municipality in the United States. She added that staff has been working with other legal organizations to come up with an ordinance which will comply with this sweeping decision.

Zoning Administrator Jeff Conkle summarized how these amendments will

impact our citizens. He spoke about user-friendly changes to the Ordinance that were made as well as the proposed adoption of less complicated sign tables.

Ms. Brown added that the Planning Commission recommends approval of the amendments with a tweak on the movement of signs and approval on the section regarding definitions. She noted that recommendation information is included in Council's package. She opened the floor for questions from those on the dais.

In response to Councilwoman Schmidt, Ms. Brown stated we are not proposing to regulate offensive language including profanity because the Supreme Court has stated it is protected under the First Amendment. She noted there are exceptions, for example, when language is intended to incite criminal activity.

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

Presented by Bonnie Brown and Jeff Conkle. A joint public hearing was held on item 16--0249 and 16-0252 with no speakers present. A motion was made by Vice Mayor Curtis and seconded by Councilman Hobbs to approve this item. The vote was as follows:

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

20. [16-0252](#) Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Articles I through III of Chapter 10 Entitled "Signs" Pertaining to Intent of Sign Regulations; Administration and Enforcement of Sign Regulations; Permitted, Prohibited, and Exempt Signs; Requirements of Permitted Signs; and Adoption of Tables of Freestanding, Wall, and Temporary Signage Permitted

**Attachments:** [Table of Freestanding Signage Permitted](#)  
[Table of Temporary Signage Permitted](#)  
[Table of Wall Signage Permitted](#)  
[Redline](#)  
[Presentation](#)  
[Planning Commission Resolution](#)

This item was heard simultaneously with item 16-0249.

Presented by Bonnie Brown and Jeff Conkle. A joint public hearing was held on item 16--0249 and 16-0252 with no speakers present. A motion was made by Vice Mayor Curtis and seconded by Councilman Gray to approve this item. The vote was as follows:

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

## Resolutions

21. [16-0234](#) Resolution Authorizing the Transfer from the City of Hampton to the Hampton Redevelopment and Housing Authority Five Vacant Lots in the Buckroe Area, 1) 1801 N. Mallory Street, .28 ac±, LRSN: 12006347; 2) 1805 N. Mallory Street, .26 ac±, LRSN: 12006348; 3) 226 Atlantic Avenue, .28 ac±, LRSN: 12006306; 4) 229 Herbert Avenue, .15 ac±, LRSN: 12006329; and 5) 1706 N. Mallory Street, .82 ac±, LRSN: 12006305

**Attachments:** [Deed of Gift](#)

The Clerk read the title for this item.

City Manager Mary Bunting provided the following explanation regarding the item: The City Council adopted a resolution wherein 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 with the residential component. In the past, and consistent with this policy, the City has conveyed several sites to HRHA. The City now desires to transfer the five parcels to HRHA for redevelopment in accordance with the City's Comprehensive Plan. City staff recommends they transfer the lots to HRHA subject to the conditions that

HRHA continue to market the five sites for redevelopment, consult with the City before any unsolicited proposal for the lots is accepted, or a Request for Proposal (RFP) or Request for Quotation (RFQ) is issued, or the lot sold and pay over to the City the net proceeds from the sale of the lots 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.

Presented by Mary Bunting and Vanessa Valldejuli. A public hearing was held with no speakers present. A motion was made by Vice Mayor Curtis and seconded by Councilwoman Snead to approve this item. The vote was as follows:

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

## GENERAL ITEMS

### Ordinances

22. [16-0239](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 16.1, Hotels and similar establishments, Section 16.1-3, Section 16.1-8, Section 16.1-12, Section 16.1-14, Section 16.1-15, Section 16.1-16, to change the previously required hotel permit to a hotel operating license, remove the requirement that hotel records be made available for inspection by the police at any time, and make other changes to conform to state and federal law Section 16.1-17, Section 16.1-18, Section 16.1-19, Section 16.1-20, and Section 16.1-21; and, the repeal of Section 16.1-4, Section 16.1-5, Section 16.1-11, and Section 16.1-13 to relocate the requirements of those sections to become requirements of the hotel operating license

**Attachments:** [Redline](#)

The Clerk read the title for this item.

Senior Assistant City Attorney Brandi Law stated these changes came about in response to Los Angeles v. Patel, a United States Supreme Court case in

which the Supreme Court struck down a City of Los Angeles ordinance requiring hotel operators to allow police to search their registries at any time.

Ms. Law reminded everyone that our ordinance had a similar provision; therefore, the proposal is to change the hotel permit to a hotel operating license, in which we would have broader power to regulate under our charter.

Ms. Law spoke about the substantive changes to the amendments. The requirement for hotels to give their registries to the Police has been removed, and conditions will now be attached to the hotel operating license. For example, hotel owners will be required to send guest registries to the City Manager or designee once per month allowing the City to obtain those documents without requiring the police to do a physical search (the problem in the Los Angeles v. Patel case).

Ms. Law continued stating that previously, hotels could apply for a permit any time during the year; however, this created a burden for staff to do inspections following the application process. Under the new requirement, the application must be entered by September 1st, allowing staff to do their work at once without going out all-year-round.

Ms. Law reminded everyone that previously the Zoning Administrator granted exceptions and extensions to the 30 day stay rule after consulting with the Human Services Director. Under the new provision, the Human Services Director will grant the extension.

Ms. Law opened the floor for questions from those on the dais.

In response to Councilwoman Schmidt, Ms. Law clarified that all hotels must register by the first of September each year. She added that the hotel operating license fee will be waived for hotels which have already received a permit for this year; however, they will still be required to fill out the application.

In response to Councilwoman Schmidt, Ms. Law clarified that new hotels will be required to get their hotel operating license upon opening and will not be required to wait until the first of September.

Councilman Moffett inquired about how we are measuring the effectiveness of the current program.

Business Improvement District (BID) Unit Supervisor Officer Paula Scheck explained that officers check the registries of non-extended stay hotels monthly to determine whether people have been residing there for more than 30 days. When a violation occurs, the hotel is required to provide documentation showing that there is a legitimate reason for the extended stay; if the hotel fails to do so, a summons is issued to the hotel manager.

Ms. Bunting expressed concern about these hotels becoming de facto apartments and the possibility of violators being forced out on the streets. She explained the exemption program enables people with true social service, medical, emergency management, and work order needs to stay for an extended period of time. She emphasized that a significant benefit of the program is that the exemption form requirement puts people in touch with Social Services which may be able to assist with locating permanent housing.

In response to Councilman Moffett, Assistant City Manager Steve Bond noted that he will provide Council with data regarding the number of people screened and assisted with housing via Social Services.

Presented by Brandi Law. A motion was made to approve this item by Vice Mayor Curtis and seconded by Councilwoman Snead. The vote was as follows:

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

23. [16-0240](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by amending Chapter 21, Motor Vehicles and Traffic, to include Section 21-112, prohibiting certain operation of vehicles on flooded streets

Attachments: [Redline](#)

The Clerk read the title for this item.

City Manager Bunting thanked Hampton citizen Carole Garrison for bringing this concern to our attention and requesting that we ask for legislation to

correct it. She announced that Governor Terry McAuliffe signed the bill approved by the General Assembly; therefore, it is now before us for implementation. She then called upon Senior Assistant City Attorney Brandi Law to speak about the provisions.

Ms. Law stated we combined what the General Assembly adopted with another general ordinance regarding driving in flooded areas, resulting in two ways the ordinance can be violated.

Ms. Law elaborated on the two parts of the ordinance. The first part addresses those driving in flooded areas in a manner which causes flood waters to damage personal property. She noted that the General Assembly added a provision which requires localities with this type of ordinance to display signs; therefore, the Public Works Department will install signs once Council adopts the ordinance. A violation of this provision is a misdemeanor punishable by a fine of up to \$250. The second part addresses dangerous flood areas. Ms. Law explained that in the event of a flood, drivers are prohibited from driving or parking in areas designated as dangerous by the City Manager or a designee. This excludes emergency vehicles, utility vehicles, and use of the area for evacuation. A violation of this provision is a misdemeanor punishable by a fine of up to \$50.

Ms. Law noted that a third provision was added to the ordinance which requires violators to pay towing charges if the City is required to tow stalled or abandoned vehicles left in flooded waters.

Presented by Mary Bunting who recognized Carole Garrison for bringing this situation to the attention of the City Council. Brandi Law also provided information. A motion was made to approve this item by Vice Mayor Curtis and seconded by Councilwoman Snead. The vote was as follows:

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

24. [16-0243](#) Ordinance to Authorize the Treasurer of the City of Hampton, Virginia, to Remove Amounts Shown as Unpaid PILOT Fees and Accrued Interest from the City's Tax Records for Fiscal Years 2014, 2015, 2016 and Every Fiscal Year Thereafter Pursuant to



the 2016 Appropriation Act

Attachments: [Exhibit A of FMA Parcels as of July 13 2016](#)

The Clerk read the title for this item.

For the benefit of the public, City Manager Bunting spoke about the Payment in Lieu of Taxes Fees (PILOT). She said when the General Assembly created the Fort Monroe Authority (FMA), it recognized that FMA differs from other State-owned lands because both businesses and residents occupy and lease properties there. She continued stating that in creating the FMA Act, the General Assembly set forth a PILOT statute which described how the City of Hampton was to receive the equivalent of Real Estate taxes. The statute requires that residents and businesses contribute to services received, allows the FMA to contest any assessments which led to PILOT fees, provides that PILOT fees be paid in full if not contested, and allows the City to treat unpaid and partially paid PILOT fees equivalent to unpaid taxes elsewhere in the City.

Ms. Bunting informed everyone that since the General Assembly (in the Budget Act each year) did not fully pay the amount due, in accordance with the statute, the Treasurer identified the delinquent amount and has treated it as a delinquency accruing interest as outlined by the State Code.

Ms. Bunting announced that under the 2016 Appropriation Act (July 1, 2016), the General Assembly adopted new language which requires that the FMA shall not pay any PILOT fees to the City until the City records in the land records in the Office of the Circuit Court Clerk of the City, an instrument removing any liens or claims of liens on the real property of Fort Monroe.

Ms. Bunting clarified that we were required to wipe clean all of what was accrued in accordance with the adopted statute. She noted that we would not have been subject to receive the PILOT that was appropriated moving forward (approximately \$1 million) if we had decided not to wipe everything clean. She emphasized that we had no choice but to record this deed of satisfaction and release.

Ms. Bunting continued explaining that the Budget Amendment also required that the deed be reviewed by the Attorney General's Office for sufficiency. We wanted to ensure if in the future land is sold by the FMA or put into a

long-term lease hold interest which then puts it in private interest, and there is a separate part of the State Code that requires they pay Real Estate taxes when that happens, then we would be able to enforce delinquencies on private interests. We did make that clear in the deed and the Attorney General authorized that. Once we got the deed back, we recorded it on June 20, 2016, instrument number 160007756. Therefore, it allowed us to comply with the 2016 Appropriation Act thereby allowing us to get the payment in lieu of tax moving forward. However, with that deed filed, the Treasurer has no ability to remove the taxes off the record without an official vote of City Council. The item is before Council to take official action to authorize the Treasurer to remove the unpaid PILOT fees and accrued interest from the tax records for the years mentioned.

For the record, Ms. Bunting listed the fiscal impact for each year as: \$502,386.47 for FY2014, \$423,555.62 for FY2015, and \$143,290.80 for FY2016. She clarified that these are the amounts we are writing off that the General Assembly chose not to pay us in accordance with their statute.

Presented by Mary Bunting. A motion was made to approve this item by Councilwoman Schmidt and seconded by Councilman Gray. The vote was as follows:

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

## Resolutions

## Appointments

Mayor Tuck noted that Council would like to review how some appointments will be made; and, therefore, has decided to defer some appointments.

- 25.**    [16-0138](#)    Consideration of appointments to the Parks and Recreation Advisory Board
- A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:
- Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

26. [16-0200](#) Consideration of appointments to the Purchasing and Procurement Oversight Committee  
A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
27. [16-0201](#) Consideration of appointments to the Hampton Economic Development Authority  
A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
28. [16-0205](#) Consideration of appointments to the Hampton Redevelopment & Housing Authority Citizen Board  
A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
29. [16-0208](#) Consideration of appointments to the Hampton Parking Authority  
A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
30. [16-0211](#) Consideration of appointments to the Board of Review of Real

Estate Assessments

A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:

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

31. [16-0212](#) Consideration of appointments to the Citizens' Engagement Advisory Commission

Appointed Ebony Majeed (in the place of Pastor Brian Sixbey), Ryan Taylor (in the place of Pamela Hammond), and Joshua Head (in the place of Kathy Johnson), with terms expiring on June 30, 2019; reappointed Chris Bowman, Dr. Ahmed Noor, Steve Brown, Henry Mills, and Leroy Foster to second terms expiring on June 30, 2020; and appointed Councilman Jimmy Gray to serve as an additional City Council liaison to this commission to serve until June 30, 2018.

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

32. [16-0214](#) Consideration of appointments to the Grievance Board  
Reappointed Karl Gunther to a term ending on June 30, 2020.

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

33. [16-0215](#) Consideration of appointments to the Hampton-Newport News Community Service Board

A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:

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

34. [16-0222](#) Consideration of appointments to the Peninsula Stadium Authority  
A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
35. [16-0223](#) Consideration of appointments to the Wetlands Board  
A motion to defer this item to August 10, 2016, was made by Vice Mayor Curtis, seconded by Councilman Hobbs and voted upon as follows:  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
36. [16-0237](#) Consideration of appointments to the Virginia Living Museum Board of Trustees  
Appointed Laura Fitzpatrick in the place of Mayor Tuck until June 30, 2017.  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
37. [16-0263](#) Consideration of appointments to Virginia Air & Space Center Board  
Appointed G. Lewis Smith, IV in the position occupied by Dr. Arthur D. Green to a first term to expire on June 30, 2020.  
**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt
- [16-0225](#) Consideration of appointments to the Hampton Federal Area Development Authority.  
Appointed Councilwoman Teresa Schmidt in the place of Councilwoman Chris Snead to serve until June 30, 2018.

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

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

### **ANIMAL CONTROL ADVISORY COMMITTEE REPORT**

For the benefit of the public, Ms. Bunting clarified that the ordinances listed under tonight's Consent Agenda related to Animal Codes are State housekeeping matters. She assured everyone that staff, Council and the Animal Control Advisory Committee is aware of citizens' desires for consideration of changes to the existing ordinances.

Ms. Bunting spoke about the two concerns related to animal control that have been expressed by citizens. (1) the current leash law allows animals under full command of their owners to be unleashed. This has caused concern for some residents who have requested that staff, Council, and the Animal Control Advisory Committee re-examine this law. (2) the number of animals an individual is allowed to own or house.

Ms. Bunting reassured everyone that the Animal Control Advisory Committee is reviewing data regarding both of these concerns, taking citizen comments under advisement, taking what other cities are doing into consideration, and taking the pros and cons of changing the ordinances into consideration. She noted that the Committee will meet on July 21, 2016, after which, the Committee will forward a recommendation to staff for consideration on a future Council agenda.

### **COLISEUM DRIVE EXTENSION PROJECT REPORT**

Public Works Director Lynn Allsbrook presented on the overseeing, planning, designing, and funding for the Coliseum Drive Extension Project. He described the location of the project as at the intersection of Hampton Roads Center Parkway and Coliseum Drive north toward Butler Farm Road.

Mr. Allsbrook provided the history of the project: The project first appeared in the City's Comprehensive Plan in 1989 and was confirmed again in 1994 through the Mercury Central Plan and each subsequent plan for the area

since that time (2004 and 2015 Coliseum Central Master Plans as well as the 2006 Hampton Community Plan). The Coliseum Central Business Improvement District (BID) has repeatedly supported the above planning processes and this project has been in their adopted plans.

Mr. Allsbrook listed benefits of doing the project as: it will provide a central transportation link to land areas located between Armistead Avenue and Magruder Boulevard which will encourage future economic development and expansion of the tax base; it will provide a “relief valve” for local traffic that otherwise might have to use Magruder Boulevard; it will provide an additional gateway/access point to the City’s main commercial district, Coliseum Central; the private development community is now beginning to show interest and make investments based upon the anticipation of this road (this will provide that link); and the Extension of Coliseum Drive northward to eventually connect to North Campus Parkway will provide an important link between the proposed Technology Park (i.e. high paying jobs) and the Coliseum Central Business District.

Mr. Allsbrook noted that the Hampton Roads Transportation Planning Organization (HRTPO) 2034 Travel Demand Model (the Regional Model), and future land use plans and potential developments were used to determine the projected traffic volume. On opening day of the roadway, approximately 5,350 – 8,300 vehicles can be expected each day and approximately 16,300 vehicles can be expected each day in the year 2039.

Mr. Allsbrook stated the project is currently funded for \$4,573,000. He clarified that the funding is from a combination of the Virginia Department of Transportation (VDOT) Smart Scale (formerly HB2 funding) and Revenue Sharing Program Funds.

Mr. Allsbrook provided the project schedule based on the funding stream from VDOT. Preliminary engineering began in July, 2016. The Right-of-Way acquisition is scheduled to take place in December of 2017. Construction is scheduled to begin in November of 2018.

Mr. Allsbrook noted that the funding will not be provided all at once; instead, it will be provided over a 3 fiscal year time period.

Mr. Allsbrook concluded his presentation by providing a description of the extension. The extension will include a four-lane divided roadway with a median. There will be two travel lanes in each direction with a multi-use path on one side for bikes and pedestrians and a sidewalk on the other side.

In response to Mayor Tuck, Mr. Allsbrook addressed the widening of Butler Farm Road to accommodate additional vehicular traffic. He explained the intersection of Coliseum Drive which extends to Butler Farm Road will be widened in order to provide left turn lanes moving east and west; however, there are no plans for additional widening of Butler Farm Road. He added that the Community Plan calls for Coliseum Drive to continue north to North Campus Parkway and we will seek State and Federal Funds to do that next phase.

Assistant City Manager James Peterson spoke about the acquisition of the seven acres of land for the roadway to Butler Farm Road. The City acquired the property in 1992 for (\$1,050,000) cash and a settlement of 13 years of delinquent real estate taxes and 3 years personal property tax. The property was acquired from the owner of Hampton Memorial Garden Cemetery, also the operator of and the leasehold interest holder of the Chamberlain Hotel which had outstanding delinquent real estate and personal property taxes due to the City in the amount of \$500,394. In the Purchase agreement between the City and the Hampton Memorial Garden owner, the City's purpose for acquiring the land is clearly stated as the future extension of Coliseum Drive to Butler Farm Road. This acquisition of the property was not a "taking or condemnation" as has been referenced by the owner in other written communication.

Mr. Peterson emphasized that any conversations regarding the taking of the property by the City are inaccurate as the City paid fair market value for the property. He added that the remaining value of the property around the seven acres, the \$150,000, is equal to the fair assessment value of the property today.

Mr. Peterson also emphasized that the City purchased the property because the Comprehensive Plan said this roadway would be important and the City believes in that.



Mr. Peterson noted the Coliseum BID seeks ways of having direct views into the district; this would be another way for people to view the district directly from Butler Farm Road.

Mr. Peterson opened the floor for additional questions from those on the dais. No questions were posed.

### **MISCELLANEOUS NEW BUSINESS**

Councilman Gray thanked Economic Development Director Leonard Sledge for the informative presentation he recently made at the Northampton Civic League meeting where he (Mr. Sledge) shared information about projects, tax revenue, job generation, and economic development stimulation within the City. He encouraged other civic groups and associations to contact the Economic Development Department to arrange for Mr. Sledge to present similar information at their organizational meetings.

Councilman Gray commended the Hampton Police Division (HPD) and Police Chief Terry Sult for handling the recent protest in a professional and safe manner. He expressed disappointment about recent incidents across the country related to lack of respect for law enforcement and the deaths of citizens and Police Officers. He requested the City Manager and/or Police Chief present Council with information on how Hampton plans to move forward with implementation of President Obama's 21st Century Task Force recommendation for community policing, and prevention and correction of these types of situations in Hampton. He emphasized that Hampton's Citizens' Unity Commission (CUC) and Citizens' Engagement and Advisory Commission (CEAC) are in place to support and work with these types of projects. He also requested that the CUC and the CEAC continue with their efforts in this matter.

Councilman Moffett echoed Councilman Gray's comments, thanked him for bringing the concern before Council and for providing the leadership to get things moving in Hampton. He also emphasized the importance of building and strengthening the relationship between government, citizens and law enforcement within the community.

City Manager Bunting noted that the update on the 21st Century Report recommendation implementation and community relationship building will be

included in the August agenda as part of the update on a broad set of topics including youth violence prevention and public safety.

Mayor Tuck also commended Chief Sult and the HPD for being proactive with respect to the handling of the march. He added that while there was some criticism in the community about how the march was conducted, in his opinion it was conducted in an orderly manner. He noted that the alternative may have been to allow people to block traffic; however, that may have resulted in a protest that was not peaceful. He reiterated how proud he was that Hampton had a successful demonstration that did not result in negative consequences like what has occurred in other areas of the country. He reminded everyone that things have already been put into place which will benefit our City with respect to race relations; and, we are now in a better position to move forward with this conversation.

Mayor Tuck added that the Hampton Mayor's Committee for People with Disabilities Chair reported that 31 participants took part in the Summer Olympics/Virginia Summer Games held in Richmond last month. He congratulated all participants and supporters who made the trip possible.

## **PUBLIC COMMENT**

The Clerk read the protocol for the public comment period.

Mr. Cary Koronas greeted those on the dais and made the following statement: You heard earlier about the amendments to the signs. That may be good, but I'm concerned about the enforcement of the signs from my experience with the Zoning Department. Recently, a company in Todd's Center decided to display little signs from Fox Hill Road all the way down to Todds Center. There were over 60 signs, so I made a complaint to Zoning and nothing happened. Every Saturday and Sunday, the signs would appear and Monday morning, they would be gone. So, they were quite knowledgeable about what they could get away with because they knew nobody would be working in Zoning on Saturday and Sunday. So, then I made a written complaint and Zoning still failed to take any action. Recently, the signs have been gone; however, we still see signs for: "yard sales", "we'll fix your cell phone", "we buy old houses". They are all over the place and Zoning needs to take aggressive action instead of a passive action to solve this problem. Thank you very much.

Mayor Tuck noted that he contacted the Codes and Compliance Director who took action resulting in the removal of some signs. He apologized for Mr. Koronas' experience and assured him that the City is being proactive about listening to citizens and responding to their concerns.

Ms. Carole Garrison greeted those on the dais and made the following statement: I'm here to talk to you about the Wake Zone Ordinance that you all just passed. You unanimously recommended it and then Poquoson unanimously decided to support you, so I do appreciate that. Senator Mamie Locke and Delegate Gordon Helsel were able to get the bill through even though there was a partisan fight and someone at the other end of the State didn't want us to have that bill; and, so, that is how the sign got into the bill. There was also a concern about how the Police would enforce it and that is what I am here to talk to you about. My suggestion is to do what the Police are doing with other crimes. The Police in Hampton have a wonderful presence on the app "next door" in which people submit pictures where people have been breaking into cars and that kind of thing. The Police are then able to go out and take alleged criminals to court. The same thing we could do with the Flooding Ordinance. When there is flooding, the police cannot stand around in the flooding neighborhoods. There is just too much of it (flooding). There are a lot of houses that have security cameras and so, I think that is how we can get around that. I'm hoping that the City Manager's Office and maybe the Police Chief could get together and see about this because we are already in flooding season and you have to get signs up, and you have to figure out how you are going to do it, so I would hope this process could get going before we actually run into this issue again. I do want to thank you again for helping me get that through.

Mr. Hugh Bassette made the following statement: First thing, I think tonight's meeting is a good argument for putting the Public Comment Period at the beginning. I usually find City Council meetings interesting, but this was a real boring one tonight. The most exciting thing was the dog. Secondly, the extension of Coliseum Drive northward – you're going to run a four lane highway right beside a black cemetery. I have parents buried out there. I have a set of grandparents buried out there. I find that an insult to run a four lane highway through a peaceful, tranquil black cemetery and I wish that you wouldn't do it, but you are going to do it because the State has offered

money and you all have always been a sucker for free money. Thirdly, you have to do something about these shootings. I've brought it up in the May meeting. Since then, there have been fifteen more (shootings). Don't just look at the homicides, look at the shootings. These young people are shooting this town up and if you want people to stay in this City and you want people to move here, then you've got to do something about it and you've got to do it now. You can't just sit back and just wait.

Mr. Bassette displayed a letter and continued his statement: Fourth, curb and gutters. Pete Peterson's May 13, 2009 letter that he sent to the Old Northampton Community. So far, it hasn't been done. We still have one street left and every time we ask why it hasn't been done, you come up with a new argument. I just read the letter again. I hadn't read it in a while, even though you can see how raggedy it is getting. Every time staff tells us why it it's not being done, it's already on here that said you had looked into that topic. City Manager, you promised us that this was going to be done. So far, you haven't fulfilled that promise. You don't run for election, so we cannot come after you with a vote. Those of you who run, you see the new Mayor sitting up there, right? So, the rest of you, if you don't become a little bit more attentive to the citizens, we're coming after you next. Lastly, we still would like to see a senior citizen tax exempt program. Page 3 of the Daily Press this morning has an article that says in Newport News, they enacted a property tax exemption. Even though we appreciated you grandfathering the people that were already on there, we still would like to see a new tax exemption. We have talked to each one of you all about it with the exception of Mr. Moffett and Mr. Gray. We meet on the 18th as a matter of fact. Mr. Gray, hopefully you can make it then and we can talk to you about it. We would like to see you put back a tax exemption for low income senior citizens on their property tax. It doesn't have to be like the one in Newport News. I think you need to change it a little bit. Mrs. Schmidt, we talked about making some of the changes because you thought it was a little too liberal, I think \$250,000 in assets; that is a bit much. So, we would like for you to look at that again and consider putting back a tax exemption for residents of the City. Thank you.

Mr. Edwin Boone greeted those on the dais and made the following statement: I want to congratulate the new Mayor of the City of Hampton. When I first intended to talk (until I started sitting down and listening to the

Council itself), I was going to only mention about the citizens wanting to speak at the beginning for the Public Comment before the Council meeting starts. That was my original intent. In addition to that, what person in their right mind would want to move here if they can only speak after the vote? That's my question. So, it behooves the City Council to work with the citizens which the Mayor would need four votes to get a change in the law from after (which it is about 8:20 pm now) to 6:00 or 6:30 at the beginning (of the meeting). Then you would have more citizen participation.

Mr. Boone continued his statement on another topic: You all have a habit of sugar-coating on the general items. On item 22, you are sugar-coating and only telling one side. The housing guy mentioned how many people you have helped. Well, let's talk about how many people you have hurt that are homeless and can only afford certain times or certain parts of the year or if they have limited income you are going to put them out because they need a hotel stay to help pay for their living. Instead of mentioning that you are going to report how many you have helped, let's suggest how many you are hurting. General item 23: like I said, you have a habit of sugar-coating everything. You act like it is okay for the streets to flood out. You never even considered how you keep the streets from flooding. You want to make an ordinance that if somebody drives too fast or their car is too big that the waves are going to go to the houses when the street is flooding. Let's talk about keeping the streets from flooding. That's my concern. That's why I say you have a bad habit of sugar-coating and only telling one side. So, that's where I fit in. If I was on City Council, I would have brought that issue up and it would have been spoken on. I want to be the one; I am the one to take into consideration the citizens, the paying taxpayers and the future voters to get the Council on the right track instead of sugar-coating only one side. Again, I want to know how many people have gotten hurt by being put out of the hotels, motels and Holiday Inns which we have very few now since a bunch of them have been destroyed. Also, how about stopping the flooding instead of considering the cars driving too fast on the flooded street. We need to consider stopping the flooding first. Thank you.

Mayor Tuck agreed that Mr. Boone has made some valid points and invited Mr. Boone to speak with him following the meeting. He noted that Council has not yet had the opportunity to review boards and commissions procedures; however, plan to do so in the near future. He assured everyone

that the citizen speaking public comment session time will be considered; however, requires a decision from Council as a body.

In response to Mr. Bassette's comments and for the record, Ms. Bunting clarified that Langley Avenue has been funded and is in the design phase. She expressed concern that the public may be under the impression that staff has been inattentive on fulfilling its promise; however, that is not the case. She noted that Public Works Director Lynn Allsbrook was available to provide an update if needed. Mr. Allsbrook made no additional comments.

At Councilman Moffett's request, Ms. Bunting addressed Mr. Bassette's concern about the possibility of a road passing through an African-American cemetery. Ms. Bunting clarified that the road will be adjacent to the cemetery, but will not pass through it. She noted that there is land owned on the other side which may be used for cemetery purposes; however, it has not yet been developed as a cemetery. She assured everyone that the road will not impact graves or access to the cemetery. She also informed everyone that the land was sold to the City with full knowledge that it would be developed as a road.

Vice Mayor Curtis announced that two events will take place at the Peninsula Regional Animal Shelter this weekend, cat's night out and a kitten shower, with the purpose of people meeting and playing with cats and other animals. She encouraged anyone who is able to adopt to do so, and those who are unable to adopt to assist the shelter via donations for supplies and other necessities.

Mayor Tuck thanked everyone for a great first meeting. The meeting was adjourned at 8:25 p.m.

## **ADJOURNMENT**

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

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

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