



# 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*

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**Wednesday, March 28, 2018**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:37 p.m. All members of the City Council were present. Brian DeProfio, Assistant City Manager, was present in the place of City Manager Mary Bunting who was unable to be 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 - Councilmember Moffett

Councilman Moffett gave the invocation, his last as a member of the Hampton City Council.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck invited Ms. Robin McCormick, Communications Strategist, to share good news with Hampton's citizens.

Ms. McCormick announced that Hampton was one of eight cities in the country where Facebook has chosen to come and do workshops educating businesses, residents, and jobseekers on digital skills. They chose Hampton because it is a city that already has digital savvy, using Facebook and social media aggressively to

keep citizens informed and connected. Facebook ran a survey, and found there was a demand in Hampton for people to improve their social media skills when they are hiring. They will be coming this summer to host four days of free workshops.

## CONSENT AGENDA

Ms. Katherine K. Glass, Clerk of Council, read the protocol for the Consent Agenda and a summary of each item.

### Approval of the Consent Agenda

Motion made by Vice Mayor Curtis, seconded by Councilmember Schmidt, 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. [18-0003](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of a Public Assistance Grant Awarded by the Virginia Department of Emergency Management for Hurricane Matthew Relief

**Attachments:** [Award Letter](#)

Item approved.

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

2. [18-0111](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2018 Virginia Housing Trust Fund Homeless Reduction Grant through the U. S. Department of Housing and Community Development

**Attachments:** [Grant Proposal Overview](#)  
[Certification and Assurances](#)  
[Statement of Interest](#)  
[Application Memo](#)  
[Application](#)  
[Grant Agreement](#)

Item approved.

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

3. [18-0132](#) Resolution Authorizing an Advance of \$575,000 from the City's General Fund Unassigned Fund Balance to the Local Match for the Commerce Drive Extension Capital Project

Item approved.

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

4. [18-0110](#) Resolution Authorizing the Transfer of 10 Lawrence Street (LRSN 12006091) from the City of Hampton to the Hampton Redevelopment and Housing Authority, Pursuant to Code of Virginia § 15.2-1800, as Part of the Buckroe Master Plan

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

Item approved.

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

5. [18-0118](#) Resolution Determining Marine Sonic Technology to be the Only Source Practicably Available from which to Procure the Sea Scan Arc Explorer System and Authorizing the Negotiation and Execution of a Purchase Contract with Marine Sonic Technology as "Sole Source"

**Attachments:** [HRUASI Grant Resolution](#)  
[Sole Source Justification Letter](#)

Item approved.

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

6. [18-0121](#) Resolution Determining Shellae Blackwell to be the Only Source Practicably Available from which to Procure Neighborhood

Capacity Building Services and Authorizing the Negotiation and Execution of a Purchase Contract with Shellae Blackwell as "Sole Source"

Item approved.

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

7. [18-0116](#) Approval of the minutes from the legislative sessions of February 28, 2018, and March 14, 2018.

**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.

8. [18-0112](#) Use Permit Application No. 17-00013 is a request by PI Tower Development, LLC to permit the operation of a commercial communications tower at 1821 Cemetery Lane [LRSN: 1003669]

**Attachments:** [Conditions](#)  
[Application](#)  
[Supplement Form](#)  
[Narrative](#)  
[Co-location Map](#)  
[Intermodulation Study](#)  
[Letter from DHR](#)  
[Location and Height Justification](#)  
[Map for Height Justification](#)  
[NIER](#)  
[Photo-simulations](#)  
[Propagation Maps](#)  
[Conceptual Site Plan](#)  
[Post Deferral Information](#)  
[Exhibit A - Historic Structures](#)  
[Exhibit B - SHPO Letter](#)  
[Exhibit C - Propagation Maps](#)  
[Exhibit D - Other sites considered](#)  
[Exhibit E - Other sites considered](#)  
[Presentation](#)  
[Staff Report](#)  
[PC Resolution](#)  
[Applicant Presentation](#)

Mr. DeProfio introduced Ms. Lucy Stoll, City Planner, who provided a presentation to Council.

Referencing Slide 21, Councilman Moffett asked who created the coverage map. Ms. Stoll stated that an engineer works with the applicant, but the coverage map is created by the applicant. Councilman Moffett asked who validates and verifies the information. Ms. Stoll stated that staff assumes the applicant is being honest about the predicted coverage. It has been shared with the City's Information Technology Department, and there was no indication from them that these maps were faulty. Councilman Moffett stated that he likes to trust, but he also likes to verify. Ms. Stoll stated that staff uses what the applicant submits.

Councilwoman Schmidt asked if the coverage map was the coverage provided by the applicant, or if it was coverage by various cell phone companies. Ms. Stoll stated that she believes the applicant is located on all the towers listed on the coverage map, and they are trying to fill the gap in coverage from three of the towers. There

are a number of other carriers on those towers as well.

Mayor Tuck opened the Public Hearing.

Ms. Lisa Murphy, the applicant's attorney, greeted those on the dais and made the following statement: I have with me the T-Mobile Radio Frequency Engineer. He and his office would have put together these coverage maps. What the coverage maps show, and in this case Lucy did an excellent job, but the existing towers that are within a mile of this particular location, T-Mobile is on. To the northeast there you have Bassett Elementary School, which is just over a mile away. T-Mobile's operating antenna is there. Then if you look sort of to the southwest off of Industry Drive, Gately Communications has a tall lattice tower that T-Mobile and other carriers are using. And then if you look to the bottom southwest there, that's actually, there's not a lot of coverage, that's Riverside Rehabilitation Facility and building, so it's a relatively low building. It's a building they can co-locate on, but because of its height, they're not getting a whole lot of coverage off of that building. This shows you, one of the materials that you have (Slide 19 & 20), this shows you the current coverage, so the area that we're talking about with no tower is actually an area, I don't want to say it's left over, but this particular search ring has been there awhile. Not just for T-Mobile, for the other carriers. You have an ordinance that requires co-location, and as carriers built out, they used each other's towers, they used wireless infrastructure towers, so most everybody's network is going to be similar to this. They're not identical, obviously. They each have different Federal Communications Commission (FCC) licensed frequencies. They each have separate proprietary information, but the majority are going to have a very similar map. As Lucy said, the other site, that was a few years back now, that was a carrier that I also do work for, they looked at that Jewish cemetery property that was right on Kecoughtan, and they ultimately said "it's too visible, we can't do it." I'm not sure why they didn't go to the more buffered property, although I think that was just recently acquired by the Jewish cemetery. This is an area, it was also pointed out at the Planning Commission hearing by Commissioners Kellum and Southall that this particular area, because it is so residential, has sort of lagged behind other areas in the quality of coverage. The light green that you see there is just going to be outside as you get to the sort of darker green in-car coverage. The darkest green, which is ideal, would be inside a commercial building. As you all know, commercial buildings are much more dense, they have much more substantial materials. It's much tougher for the radio waves to get through. So, that's their ideal, to have that dark green. At the worst, they like to have in-building residential coverage, so that folks can use their wireless phones at home. I know, as I've shared with you all before, 51% of Americans are wireless only. That's 70% for millennials, so people like me and older folks are actually dragging down those numbers. If you're a millennial, you don't have a phone, you never had a landline phone. The Radio Frequency Engineer

actually tapped me on the shoulder when the announcement was made about Facebook. Social media is something. Most people aren't sitting at home on their laptop, you know, sharing updates on social media. They're out, driving around, doing selfies, taking pictures, at community functions, going to the park. So really, to have that vibrant community with social media and a place that's attractive to millennials, you really want to have this high-quality coverage. And this, as you all probably remember, is the third time I've been here for T-Mobile, or for an applicant building a tower with T-Mobile as a user. They're very invested in Hampton. They're very invested in Hampton Roads, this is an important community for them. If you look at the map, there are still areas that need coverage. Fortunately, they're investing, and they're continuing to invest in our markets. This will help get us, you know, this will get us 4G-LTE, but all of these sites will help us on our way to 5G coverage in the "Internet of Things." So, as I said, Lucy really handled a lot of the questions. There was a substantial amount of research done. As you saw, looking at the area, with the possible locations for the tower - as you all know, it's tough in residential areas. We've looked at all of the bigger properties that were out there, taking into account, you know, local zoning requirements, but also taking into account our Federal regulatory requirements. Would we like to do a bigger tower at this particular location? Yes, it would have increased the coverage, not only for T-Mobile, but for the other users, but the Virginia Department of Historical Resources (VDHR) said no way. While you look at their input, we live with their input. So if they said 150-feet with a 5-foot lightning rod is it, that's all we can do with that location. So, it was a useful exercise that the Planning Commission asked us to go through to look at the different heights and what the impact would be, and generally speaking, the higher you get, the bigger that coverage area gets, but again, there's that delicate balancing act and we feel we've been able to find a site that's far enough from residential with a buffer in an area that's really going to satisfy the coverage needs of not only T-Mobile, but we think multiple other users. The tower will be built for at least three, but there will be room to accommodate a total of four users. We do feel like this will satisfy a need in the area. I'm happy to answer any questions that you have and T-Mobile's here as well.

Vice Mayor Curtis asked at what height the cell towers begin to have impacts with Langley Air Force Base and air traffic. Ms. Murphy stated that generally speaking, if a tower is not near an airport or military installation, just under 200-feet is the height at which you would not require lights. The closer a tower is to such installations, the lower the height requirement. The Federal Aviation Administration (FAA) reviews tower height and determines if it needs to be marked or lit. For a while, towers along the interstate were required to have lights even at 150-feet because the interstate was considered an emergency landing area for planes.

Mayor Tuck closed the Public Hearing and called for the motion.

Presented by Lucy Stoll, City Planner. The applicant's attorney, Lisa Murphy, was present and spoke at the public hearing.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this Use Permit be approved with twelve (12) conditions. 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

9. [18-0113](#) Resolution Requesting the Commonwealth Transportation Board Remove a Portion of the Limited Access on the North Side of Hampton Roads Center Parkway in the City of Hampton, Virginia in the Vicinity of Coliseum Drive Pursuant to 24VAC30-380-10

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

Mr. DeProfio stated that extending Coliseum Drive to the Hampton Roads Center business parks came out of the community planning process approximately 30 years ago. The need to extend Coliseum Drive has continually been reaffirmed since that time as the City has updated Comprehensive Plans, Community Plans, and Master Plans that cover that area. The City has received funding from the Virginia Department of Transportation (VDOT) to support the extension, which has been included in the City's Capital Budget in FY18 and the Capital Improvement Plan (CIP) for FY18-22. The next step in the process is to ask the Commonwealth Transportation Board to remove the limited access designation on the north side of Hampton Roads Center Parkway to move forward with construction of the road. He introduced Mr. John Yorks, City Engineer, who provided a presentation to Council.

Councilman Gray asked at what point Council would be shown the entire road from this limited access point to connect to Butler Farm Road. Mr. Yorks stated that he can get that information to Council tomorrow. Councilman Gray asked if it would be a two-lane road each way. Mr. Yorks confirmed this. He stated that he only included a small portion in the presentation because he wanted to focus on the limited access area. It will be a four-lane, divided road with sufficient turn lanes to provide the desired capacity. There will also be a shared use path on one side and a sidewalk on the other.

Councilman Gray asked where the property line for the cemetery was located. Mr. Yorks indicated it was to the left of the improvements shown on Slide 5, and indicated the entire area currently owned by the City.



Councilman Gray noted that there is currently a buffer of trees. He asked if these would remain. Mr. Yorks stated that many of them will probably have to be removed, but there will be landscaping done as part of the project. The City wants to provide an unofficial buffer between the surrounding properties and the road. Councilman Gray asked what the distance between the buffer and the property lines would be. Mr. Yorks stated that the buffer would be right beside the sidewalk.

Mayor Tuck opened the Public Hearing.

Mr. John Krulis greeted those on the dais and made the following statement: I have concerns about this on many, many levels. I have a little car that's 26 years old, that in many intersections in Hampton I seem to get run into, both sides, rear-ended twice. The airbag is still in place, so I've never run into anybody else. But, we have a lot of intersections. The one up my street is one of the worst, and that's where I got rear-ended most recently. The City does a lot of things which do not make for safety. Any time you're adding this additional traffic to Coliseum Drive and to this intersection, making an intersection, really, you're just - somebody's going to get hurt along the line, along the way. But more fundamentally, as I look at this and thought about it over time, you've been thinking about this for years and years and years and years and years, with presumably the intention of opening up for development what's directly north and there's lots of woodland up there to develop. But when you look around Hampton, take a real sharp look around Hampton, you think we are hard-up for places that need development or redevelopment? If you look at things like the Power Plant, and if you look at - any place, any commercial place in this entire City that is over-utilized, where we've run out of space, we've run out of room, run out of opportunities for development? Uh-huh. I think one of the craziest ones is the one around the street up here between Lincoln and Queen Street. Making that extended connection road for absolutely no reason whatsoever. Nobody's ever used it. The one that you're anticipating on Commerce - was it Commerce Drive? To add another intersection to Mercury Boulevard in one of the most accident - it's got to be one of the most accident-prone places in the City. People coming off the interstate, trying to get across the way to Coliseum Drive, and you're going to add another intersection? Another intersection right there? How much sense does that make? The reason why I say the safety is not a primary concern, at my intersection, which is LaSalle and Kecoughtan, where I got rear-ended last, the trees that you planted in the middle of the road, five of which - five of which - have been, are gone because people ran into them with their cars. Every time you put a tree at an intersection, you're inviting people to say "well, I didn't see that car coming." Thank you very much.

Mayor Tuck closed the Public Hearing and called for the motion.

Councilwoman Schmidt stated that she has never cared for this road and she does not see the advantage. She does not understand putting a road just to put a road. She understands that there is a need for additional access to the businesses down there, but even today, three people contacted her with three different reasons why this is not necessary. One is because of the proximity of Butler Farm, another is a desire to keep greenery in Hampton, and the last was the cemetery being a place of reflection. This is why she will be voting no.

Councilman Moffett noted that he believed the road has already been voted on, and asked if this vote was solely for the right-of-way for this specific piece of the road. City Attorney Vanessa Valdejuli stated that this vote was just to ask the Commonwealth Transportation Board to vacate the limited access line. The road has already been voted on and is in the City's plans.

Councilwoman Schmidt stated that she thought Mr. Yorks had stated the road approval was going to come before Council. Mr. Yorks clarified that the only thing before Council is the resolution endorsing the limited access line. There will be a Public Hearing on April 30th, which could be where the confusion came from. Councilwoman Schmidt asked what the Public Hearing would be on. Mr. Yorks stated that this project will require buying additional property. Councilwoman Schmidt stated that this means the decision is not final. Mr. Yorks stated that the Council has endorsed the project in the past, and the City signed a programmatic agreement with VDOT in 2016, so the project is moving forward. Council is being asked to approve the limited access request tonight. The Public Hearing will further refine the design, and the City is looking for input from citizens on the actual plan moving forward.

Councilman Gray asked for clarification on the need for additional property. He asked if it would come back to Council for right-of-way acquisition. Mr. Yorks stated that staff hopes to negotiate with the property owner, which would negate the need for it to come back to Council. Discussions have already begun.

Councilwoman Snead asked if this was approved as part of the Six-Year Plan the City does with VDOT projects. Mr. Yorks stated that Council first took action on this project in 2015, and they endorsed a resolution where the City stated it was going to apply for the project. During the Six-Year Plan process, the Council approved a resolution authorizing the City Manager to sign the agreements in August 2016 and the agreements were signed in 2016. Councilwoman Snead stated that this project has been approved by VDOT.

Mr. DeProfio stated that this project has been in the City's various plans as a road going back to 1989.

Mayor Tuck stated that the City owns the land adjacent to the cemetery. He asked what other acquisition was needed. Mr. Yorks indicated that Billy Wood Canal runs parallel to Hampton Roads Center Parkway, which is the tree area referenced earlier. The City is going to put a culvert where the road crosses. On the other side, there is one property owner between Butler Farm Road and the canal. There have been preliminary discussions with that property owner.

Councilwoman Snead stated that the perception is that this is a road to nowhere. She asked what the future holds after extending this road and what the real objective is. She noted that she has mixed emotions about the road. Mr. Yorks stated that staff will be approaching Council in May to ask for a resolution to endorse the City applying for the extension of Coliseum Drive from Butler Farm Road to Magruder at North Campus Parkway. This will be a four-lane section, and when the City makes the request to VDOT, it will be scored competitively against other projects in the region. The last time the City applied, VDOT cut the road short, leaving a large gap. The City is looking at ways to save money on the proposed project because that was the biggest drawback. The City is hoping to get State and Federal funds to provide direct access from the business park on North Campus Parkway into Coliseum Central.

Councilman Moffett asked if Mr. Terry O'Neill, Community Development Director, had anything to add. Mr. O'Neill stated that prior to the time he came to the City, the original alignment for Hampton Roads Center Parkway was Butler Farm Road. The neighborhoods objected to that original alignment. The City and VDOT made a conscious decision to move that alignment to the location in question because it traversed less development at that point in time. The consequence was additional connections had to be made, and this is one of them. Previous Councils made a conscious decision to protect this neighborhood from a highway that would have been much busier and difficult to live with.

Mr. O'Neill stated that most new roads built, at the time they are built, are roads to nowhere. Hampton Roads Center Parkway was discussed many, many times as a road to nowhere. Many people use it to get somewhere today. Coliseum Drive was built north of Cunningham Drive many years ago when there was nothing there. For many years, people asked why the City built it because there was nothing there. Now, there is a regional hospital and many citizens living there. He understands the difficulty when people claim new roads are roads to nowhere, but sometimes they are put in to be proactive and encourage things to happen. These are important arteries in the City.

Councilwoman Schmidt stated that she believes you can go around other roads to

get to the same place.

Mr. DeProfio stated that the funding the City has received already to do this section of the road has gone through the competitive process Mr. Yorks mentioned. This is a statewide process that focuses on issues such as congestion. The very fact that it has gotten through that process is further validation that the road adds value.

Councilwoman Snead clarified that the road is perceived as a road to nowhere. She wanted citizens to know there are future plans, and it is not going to just stop there. Mr. O'Neill clarified that he was not trying to be critical of Councilmembers, he just knows that they receive much criticism at times for projects like this, which prove to be beneficial to most people given time.

Mayor Tuck stated that historically he has been against the extension of Coliseum Drive. He was on the losing side of that vote, and VDOT has already appropriated the funding for the project. Both he and staff have been meeting regularly with business and property owners in the Hampton Roads Center north area, and they are concerned about a number of things they do not see happening for their businesses. Realizing their concerns, and realizing that this project has already been approved and the money appropriated, and this resolution is necessary to get the right-of-way, he will be voting in favor.

Presented by John Yorks, City Engineer. John Krulis was the only speaker at the Public Hearing and he expressed safety concerns about this project.

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

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

**Nay:** 1 - Councilmember Schmidt

## Resolutions

10. [17-0387](#) Resolution (i) Authorizing the Execution of an Amended and Restated Memorandum of Understanding by and Among the Peninsula Town Center Community Development Authority and T Peninsula Axis VA, LLC, T Peninsula Hotel VA, LLC, and Peninsula Parking Lot VA, LLC and an Amended and Restated

Collection Agreement With the Peninsula Town Center Community Development Authority and the Successors and Assigns of Hampton Mall Associates, J. C. Penney Properties, Inc., and Target Corporation in Connection With the Issuance of Special Obligation Refunding Bonds, Series 2018, and (ii) Approving the Issuance of the Series 2018 Bonds by the Community Development Authority

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

A motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this Resolution be deferred to the City Council Legislative Session, due back on 4/11/2018. 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

11. [17-0388](#) Ordinance Amending Non-Coded Ordinance Number 1026 as Amended by Non-Coded Ordinance Number 1043 Entitled "Ordinance Establishing a Special Assessment for the Peninsula Town Center Community Development Authority and Authorizing an Amended and Restated Collection Agreement with the Community Development Authority"

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

A motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this Ordinance-Non-Coded be deferred to the City Council Legislative Session, due back on 4/11/2018. The motion carried by the following vote:

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

## PUBLIC COMMENT

Ms. Glass read the protocol for Public Comment.

Mr. John Krulis greeted those on the dais and made the following statement: I'm not sure where to begin, I've got too many things. The extension, that kind of reminds of something that really bugs me, because every Council at one point or another, and

many times, has said “well, that was before my time” when something is brought up, like this extension. “It was before my time” so you don’t get the opportunity to say yes or no, it’s been already taken care of. And that’s been constant - of course, people come on and off of Council, but still, before your time. But that’s really the big reason why I want to make sure, and I’m very dead serious about this, assigning names to the projects. I mean, Mr. Wallace is responsible for the Power Plant. Nobody else. Well, there are some others, but I mean, he’s the principal person. I’m also reminded that this town center that keeps on getting postponed - drive down there, ask yourself if that’s what you intended to see, hoped to see. As many as 30 empties? That’s what you got out there. That, and the H2O were promoted by two people in particular, so I want to make sure that their names go with it. Randy Gilliland and Molly Joseph Ward. Both ushered those through with the promise that this was the new way of doing business with the City. These partnerships with community development authorities specifically. Now those two projects have both gone bankrupt and sold for pennies on the dollar, and in both instances, they are overlapping debt on the debt of the City. Maybe you will not have to be responsible for paying them off, but it’s overlapping debt on the City. So those names, unfortunately the City Manager isn’t here today because I really want to make sure that the aquatics center and the Buckroe thing bear her name. So if you will let her know that I think that’s the case, that her name needs to go most specifically and maybe solely for the Buckroe one, but the aquatics center, and for anybody who votes for it. Your names need to go with it so that future generations know, it may be before my time, but I know who was responsible when it was voted on. Thank you very, very much. Thank you for serving.

Councilman Gray asked for clarification on what Buckroe project Mr. Krulis was referring to. Mr. Krulis stated that he was referring to the Wubit project.

Mr. Hugh Bassette approached the dais and made the following statement: I’d like to speak on the Coliseum extension. First, I’d like to thank Ms. Schmidt for your concern about the effect that it’s going to have on the cemetery. And I would also like to know what happened to Councilman Tuck who used to be against it. Where did he go? When people pass on, usually they say “rest in peace.” You’re going to run a four-lane highway, extend Coliseum Drive and you don’t think that’s going to have an effect on the people who are buried in that cemetery and the traffic and congestion? That is one of the most peaceful places in Hampton. If you go there, it’s quiet. The only thing you can hear is birds chirping and crickets chirping, okay? Every once in a while, a plane from Langley will fly over. I think it’s disrespectful to the people in the cemetery, and the cemetery people are against it. My mother is buried in that cemetery. My father is buried there. My grandmother is buried there. My grandfather is buried there. The next door neighbor who I was raised around, he’s buried there. A lot of my classmates from Phenix are buried there, and a lot of

their relatives are buried there. That's where most black people, now when they pass on, are put there. And you want to run a four-lane highway through there and you think that it's not going to have any effect. Plus, for what? I still don't understand the purpose. I'm like Ms. Schmidt. If you want to get there, all you got to do is go down Armistead and make a left, and you still there. You need to - I don't like to see Hampton get paved. If I wanted to live in New York, I would've moved there. I don't want to see all this concrete stuff that takes - goes to open space. This is page 37 from the Coliseum Master Plan. On here, it shows the extension of Coliseum Drive, but right beside it, at the corner - southeast corner - it says a potential housing site. In the CIP, some CIP documents I read that talk about economic development on the right side of the proposed extension. So I'm sitting here trying to figure out what's it for? What you going to do there? Except to run a four-lane highway through a place that's one of the most peaceful, quiet places in the City. The horse is out of the barn, just like one of you told me during the break. I just want to say, I think it was a bad decision. Everybody that I talk to in this City is against it, and I'm pretty sure if you've got a chance - you talk to people and ask them what they think about it. You know, we need to stop this building roads just because - that's \$575,000 you're taking out of the General Fund to spend on it. How many policeman could that pay? How much of the water that's coming into the City could that help to mitigate? Okay? So for over half a million dollars, you're going to - yes ma'am Ms. Snead, it's a road to nowhere. Watch. You can't put something on the left side because the cemetery's there, so what are you going to put on that right side? Nothing. One day I hope Councilman Tuck returns. Thank you.

Pastor Curtis Harris greeted those on the dais and made the following statement: I'm going to try to be real quick to get everything in here. As you know, our program is running over a decade here in Hampton. We used to be on Nicholson Boulevard, but we had to come out of the church because there's a lot of things that we did with the youth and young people that we just couldn't do in the church. After all these years, we have decided to change the name from Original Brothas Mentoring Outreach Program to Hampton Roads Community Empowerment Center, so when you hear that name, it's the same people. But we changed the name for a lot of reasons. Bigger heights. People misunderstanding the name. So I just wanted to share that with you. After the Urgency of Now that we had, a lot of young people have come to me, my staff members, and we're good with getting them stirred up. One thing that I'm good for is action. They came to me, they came to the facility, they said "hey, there is not really a place that older people and young people can come together and work together without having handcuffs - can we do that?" I said "take off." One of the things that they have come up with, we're going to be having an event. The young adults and the youth and it's called Bridging the Gap with Action. At this event, it will be two sets of panels. One with Hampton University, Hampton High School, and some other young people out of Hampton. On the other panel, we

already have somebody who agreed from the Commonwealth's Attorney Office to be on that panel. We also have a City official sitting among you that has already agreed. We're looking for one more, so we would like you to come to us if you have a passion to sit on that panel. We have the principal of Oyster Point Academy that she's going to be sitting on there. So everybody's invited. You're going to hear the heart of the young adults, young people, and they're taking action. How? We're setting up groups of young adults that are going out to the communities, literally reaching and dealing with the issues in this community. In order to make this City great, we have to deal with young people and young adults. We have to stop having five, twenty meetings. We already know what the issues are. We have a spring break program that our young people have put together at our facility. They are going to run it, yes, we're going to oversee it, but they're going to run it. They're going to be doing a lot of things. I'm going to get out of your way. The last thing that I will say, and they told me to tell y'all this, we are asking City Council either to sponsor, donate the facility, at least \$30,000 that will help with transportation, the stuff that we're doing this year. We will get our first grant, but it will be a blessing if that happens.

In response to Mr. Bassette, Mayor Tuck stated that in 2013 or 2014, he was one of the Councilmembers in favor of actually selling the land back to the cemetery owners. The City got it back in the 1990s through a tax sale. That did not happen because he was outvoted. In 2015 or 2016, he voted against the extension, but he lost that vote. Now, with that money having been approved by VDOT, with the project having been approved, knowing what he knows about the businesses in that area and their needs, it would not be a wise decision to vote against the resolution tonight. This is why he voted for the project.

## GENERAL ITEMS

### Resolutions

12. [18-0109](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to St. Marks United Methodist Church of Hampton of an Area Comprising 36 Square Feet, More or Less, for an Off-Premises Sign in an Area 17' South of the Church's Property at 99 E. Mercury Boulevard (LRSN 8001554) and 28' North of the Edge of Pavement of E Mercury Boulevard

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

Mr. DeProfio stated that staff recommends the request for encroachment be denied because it is an off-premises sign and there is sufficient room on the applicant's



property to place a sign. These types of issues have come before Council previously, two fairly recently. Both were commercial applicants, to include Ryan Homes in 2016. There was also a request by Ebenezer Baptist Church to place a sign in the right-of-way, but they withdrew their application at the request of City staff. He introduced Ms. Cynthia Hurr, Right-of-Way Agent, who provided a presentation to Council.

Councilwoman Schmidt asked how far the Kings Way Physical Therapy sign was from the road. Ms. Hurr stated that she believes it is about 15 feet.

Councilman Gray asked for clarification on the flags shown on Slide 2. Ms. Hurr indicated that the church would like to place their sign where the markers were a combined pink and yellow.

Councilman Gray asked the applicant why the church would like to place their sign in that location.

Mr. Ward, a member of the church's Board of Directors, stated that the current sign is on the other side of the driveway and is not noticeable. They are making a significant investment in an LED sign thanks to a contribution from a church member. If this investment is going to be made, it needs to be in a place where it can be seen. The church has a temporary sign that it uses to make announcements, and the new LED sign would eliminate the need for those. He noted that the churchgoers believe that property belongs to the church, because they are the ones who care for it and maintain the landscaping. He believes the request for encroachment is reasonable. He noted that an adjacent property has a sign that is 12 feet from Mercury Boulevard and the City has a sign for the Bark Park that is 12 feet from Mercury Boulevard.

Mayor Tuck asked the length, width, and height of the proposed sign. Mr. Ward stated that the church adhered to all guidelines, and the proposed sign is 84 inches tall, 87 inches wide. It has the name of the church, with a 36 inch tall and 87 inch wide LED screen. The depth of the sign is 24 inches.

Mayor Tuck asked if it was correct that the other signs were 12 feet away from Mercury Boulevard. And if so, why is that allowed, but the church sign cannot be within 28 feet of Mercury Boulevard.

Ms. Valldejuli stated that in many instances, prior to the widening of Mercury Boulevard, the signs were on commercial property. When the City widens roads, it takes extra right-of-way. These signs would be "legally nonconforming," they will not be taken down because they are grandfathered.

Councilman Moffett asked what the implications would be if Council were to grant this encroachment. Ms. Hurr stated that this would set a precedent for other people to put signs within the right-of-way, however, this is a unique situation because they have a significant amount of right-of-way in front of their property, which other churches and businesses do not. The church has maintained that property for years.

Councilman Moffett asked the difference between this request and the one from Ebenezer that was withdrawn. Ms. Hurr stated that she did not have any knowledge of that request. Ms. Valldejuli stated that it was very similar. It was in another area on the City's right-of-way, and it was explained to them that it was off-premises and the City did not want to start a precedent of having an agglomeration of signs on all of the rights-of-way or medians to indicate the church was in the vicinity. This is not the same as Ryan Homes, who wanted to advertise their new subdivision, but the City cannot differentiate between religious institutions and commercial institutions. The City property is the last area that is sacrosanct and left alone by the Supreme Court of the United States. In all other areas, they have taken away the ability of the localities to regulate signs. As unique as it may be, they are not being deprived of any signs as they already have one in place, and they are not being deprived their right to worship, by denying this encroachment. It is precedential in nature. This is no different from wanting to put trashcans with advertisements on City intersections. If it is done for one, it will be done for others.

Mayor Tuck asked which markers represented the boundary of the church's property. Ms. Valldejuli stated that she is not sure, but it has been reported that there is sufficient area on their own property to place their sign. Ms. Hurr stated that the pink markers on Slide 2 are the property line.

Councilman Moffett asked for additional clarification on precedent. Ms. Valldejuli stated that if the Council approves this encroachment, and another church in a similar situation requests the same encroachment and it is denied, the City could be deemed to be treating them disparately. Councilman Moffett asked what would happen if it was a business instead of a church. Ms. Valldejuli stated that it would be the same thing, because there can be no differentiation between a commercial or religious institution. The government can put signs on its own property. Councilman Moffett asked if they would be legally obligated to proceed with other similar signs if they approved this request. Ms. Valldejuli stated that it would be difficult to argue against approving others.

Councilwoman Snead asked if the USDA temporary sign the church has placed is on City property. Ms. Valldejuli confirmed that it was. Ms. Hurr stated that it is a

temporary sign that is easily removed. Councilwoman Snead asked if the City had given permission for the placement of that sign. Ms. Hurr and Ms. Valldejuli stated that the City had not.

Councilwoman Snead asked for some geographical clarification to orient where the property was, which Ms. Hurr provided.

Councilman Hobbs stated that the City owns that property. It has been bought and paid for.

Councilwoman Schmidt asked if it was possible for the church to buy a small portion of the right-of-way to put a sign. Ms. Valldejuli stated that it is a possibility, but not knowing what the plans are for the right-of-way, and she believes several properties down Armistead have tried that and been denied by Public Works because of future plans.

Mr. Lynn Allsbrook, Public Works Director, stated that Mercury Boulevard is slated to be a six-lane cross-section in the regional long-range plan. This right-of-way would provide the width necessary. The curbing set behind the ditches along the road have already been set up for this future widening.

Councilwoman Schmidt asked if this sign would create an obstacle to that future widening. Mr. Allsbrook stated that he would want to take a closer look to make sure the City does not sell something it needs in the future.

Councilman Gray asked how much distance there is between Mercury Boulevard and the property line. Ms. Hurr stated that she does not have the complete measurement. The outer edge of the proposed sign is 28 feet from Mercury Boulevard. Her best estimation was 75 feet.

Councilman Gray asked if expanding Mercury Boulevard would not necessarily require 28 feet. Mr. Allsbrook stated there are bridges on the other side, which could impact how much space is needed on that right-of-way.

Councilwoman Snead asked where the sign would go if they did not approve this encroachment. Mr. Wade stated that the church would have to take part of its driveway and parking spaces out to put the sign up. He also stated that the church is happy to remove the sign whenever necessary for the future improvements to Mercury Boulevard.

A motion was made by Councilmember Gray and seconded by Councilmember Schmidt, that this Resolution be deferred to the City Council Legislative Session, due back on 5/23/2018.

This motion was not voted upon due to a substitute motion.

Councilwoman Snead asked if Council should just move to deny and not direct staff to negotiate. She is not sure that everyone has agreed to negotiate the purchase of it. There would have to be a vote to allow them to purchase any property. She does not believe that caveat should be added to the deferral.

Councilman Gray stated that he just wanted to defer it and give a reason for deferring while the applicant works with staff.

Councilwoman Snead stated that the City has to be fair. Sometimes decisions are made because they are looked at from a holistic point of view. This is why she will vote to deny it.

Vice Mayor Curtis stated that she believes there are other solutions to this issue, but this is the decision before Council tonight. Voting in favor of this request would limit Council's deciding power in future requests.

Councilman Moffett stated that he would like to support the applicant's request, but he believes it is important not to set a precedent that would put the Council in jeopardy.

Mayor Tuck stated that he is concerned about setting a precedent and hopes another solution can be found.

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

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

**Nay:** 2 - Councilmember Gray and Councilmember Schmidt

### Appointments

Following the deferral of appointments to the Neighborhood Commission, Ms. Glass read a summary of the remaining appointments.

13. [17-0389](#) Consideration of appointments to Hampton Senior Citizens Advisory Committee  
Reappointed Martha Johnson and Doris Farmer to their first full

terms which will expire on March 31, 2022, and appointed C'Faison Harris to a first full term to expire on March 31, 2022.

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

14. [17-0392](#) Consideration of appointments to Social Services Local Advisory Board

Appointed Michael Wade, Teresa Brooks, and Anne Andrews to first terms expiring on March 31, 2022.

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

15. [18-0119](#) Consideration of appointments to Parks & Recreation Advisory Board

Appointed Steven Raudman, Dr. Norman Merrifield, and Jennifer Colton to first terms expiring on March 31, 2022.

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

16. [18-0122](#) Consideration of appointments to Neighborhood Commission

A motion was made by Vice Mayor Curtis and seconded by Councilmember Snead, that this Appointment be deferred to the City Council Work Session, due back on 5/23/2018. 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

17. [18-0123](#) Consideration of appointments to Mayor's Committee for People with Disabilities

Appointed Gwendolyn Burnett, Rev. William Anderson, and Sharon Griffin to fill unexpired portions of terms expiring on March 31, 2020.

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

18. [18-0124](#) Consideration of appointments to Hampton Clean City Commission

Reappointed Barbara Abraham to her first full term which will expire on March 31, 2022

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

19. [18-0125](#) Consideration of appointments to 2019 Commemorative Commission

Appointed Dr. Vanessa Thaxton-Ward, Dr. Dionne Redding, Ryan Fontes Taylor, and Kemi Layeni as citizen appointees and appointed Councilman Jimmy Gray in the place of Councilman Will Moffett as Council liaison to this committee.

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

20. [18-0126](#) Consideration of appointments to Hampton Economic Development Authority

Reappointed Rick Bagley and Eleanor Brown to second terms to expire on March 31, 2022.

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

21. [18-0127](#) Consideration of appointments to Athletic Hall of Fame

Appointed Marty O'Brien to fill the unexpired portion of a term until January 31, 2020, and left one vacancy to be considered on May 23, 2018.

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

22. [18-0133](#) Consideration of nominations to the Virginia Municipal League 2018 Policy Committees
- Appointed Billy Hobbs to Community and Economic Development, Teresa Schmidt to Environmental Quality, Chris Snead to Finance, Linda Curtis to General Laws, Donnie Tuck to Human Development and Education and Jimmy Gray to Transportation.
- 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**

There were no reports.

#### **MISCELLANEOUS NEW BUSINESS**

Councilwoman Snead shared that the reason the City Manager wasn't present tonight was due to her husband having surgery.

Mayor Tuck thanked Mr. Geoff and Dr. Marty Tennille for the special Easter treats, and the anonymous person who left Reese's Peanut Butter Eggs for Council.

Mayor Tuck announced that Hampton University is hosting an Easter Egg Hunt this Saturday at Strawberry Banks.

Vice Mayor Curtis shared that Sergeant Matt Bond of the Hampton Police Division (HPD) was recently working at an apartment complex and learned that a young man and his single mother did not have anything for dinner, and so he treated them to dinner that evening. Local attorney, Bob Boester, heard what Sgt. Bond had done and shared the story on social media and at a trivia night held at the Grey Goose Restaurant. Upon hearing the story, County Grill Hampton and Waters Edge Church along with many generous individuals stepped forward and provided restaurant gift cards with a value over \$1,000 to be shared with HPD officers so that they may pass them along to provide food to children and their families in need.

#### **ADJOURNMENT**

The meeting adjourned at 8:21 p.m.

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

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

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