



# City of Hampton

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

## Council Approved Minutes - Final City Council Work Session

*Mayor Donnie R. Tuck*  
*Vice Mayor Jimmy Gray*  
*Councilmember Eleanor Weston Brown*  
*Councilmember Steven L. Brown*  
*Councilmember Linda D. Curtis*  
*Councilmember W.H. "Billy" Hobbs*  
*Councilmember Chris Snead*

*STAFF: Mary Bunting, City Manager*  
*Cheran Cordell Ivery, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, September 25, 2019**

**1:00 PM**

**Council Chambers**

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### CALL TO ORDER

Mayor Tuck called the meeting to order at 1 p.m. All members of the City Council were present except for Councilwoman Curtis who is traveling.

**Present** 6 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead, and Mayor Donnie R. Tuck

**Excused** 1 - Councilmember Linda D. Curtis

### DONNIE R. TUCK PRESIDED

### AGENDA

1. [19-0296](#) Briefing on Code Enforcement

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

City Manager Mary Bunting gave opening remarks and introduced recently promoted Property Maintenance Division Manager Kim Mikel to make the presentation.

Ms. Mikel greeted those on the dais and said that today's briefing provides Council and the public with a better understanding of the processes and challenges associated with property maintenance and zoning enforcement.

Ms. Mikel stated that the Property Maintenance and Zoning Enforcement Division has eight Property Maintenance and Zoning Enforcement Inspectors, each of whom

is responsible for a specified area of the City. She reviewed a slide of the code enforcement area map broken down by the eight areas of the City; shared the number of parcels in each area; and shared statistics related to the number of inspections done in the City over the past three years.

Ms. Mikel listed inspection priorities as complaints (concerns and complaints from the public via the 311 call center); re-inspections; strategic enforcement issues (such as signs in the right-of-ways and specific zoning violations); and proactive inspections (inspections done by inspectors driving through areas of the City looking for violations).

Ms. Mikel shared the various codes enforced by the Property Maintenance and Zoning Enforcement Division and examples of what each code covers. Code categories include Zoning Ordinance, Virginia Maintenance Code and City Codes.

Ms. Mikel provided examples of general code violations and differentiated between what the department can and cannot enforce. She emphasized that the department cannot enforce violations based upon aesthetics (such as mismatched paint colors and roof shingles); these items give an appearance of blight, but are not regulated by State Code.

Ms. Mikel shared examples of clutter/debris and overgrowth in the City. She noted that the City currently has no code or State Code authority to address overgrowth.

In response to Mayor Tuck, Vice Mayor Gray, Councilman Brown and Councilwoman Snead, Ms. Mikel elaborated on examples of what the City is and is not able to enforce on violations related to roofs/shingles, damaged wood, paint, parking of campers, overgrowth (privacy rights), and exterior property maintenance.

For the benefit of the public, Ms. Bunting emphasized that much effort has been made in recent years (as part of our legislative package) to convince the General Assembly to regulate overgrowth. She clarified that the challenge is not that City Council has chosen not to adopt a code; instead, it is that State Code does not currently permit it.

Ms. Mikel spoke about areas of property maintenance enforcement including general interior and exterior requirements; light, ventilation and occupancy limitations; plumbing requirements; mechanical and electrical requirements; and fire safety requirements. She also reviewed the property maintenance violations process and penalties associated with property maintenance violations.

For the benefit of the public, Ms. Bunting spoke about the court process for

uncorrected violations. She explained that oftentimes residents question why reported violations have not been addressed or resolved after a period of time. She clarified that the City does not control the court process and once a case goes to court, the resolution may be delayed due to a court decision such as a judge granting a continuance.

Senior Assistant City Attorney Kendall Bynum agreed with Ms. Bunting's comments and added that the court process depends on the circumstances of the individual being taken to court for a violation. He assured everyone that the City strives to expedite things as best as possible, but continuances sometimes cause delays. He noted that taking someone to court is usually a last resort.

In response to Vice Mayor Gray, Ms. Mikel explained that the City is required by State Code to give the violator 30 days to correct a property maintenance or zoning violation; however, the City has flexibility on the length of time given to correct violations that fall under the City Code (such as high grass violations).

Ms. Mikel shared information about City Code enforcement, the violation process, and violation penalties related to inoperable vehicles, weed and debris, high grass and graffiti.

In response to Councilman Brown, Ms. Mikel explained that the City will attempt to tow vehicles in violation prior to taking a violator to court.

Mayor Tuck expressed concern about the manner in which citizens are notified of their responsibility regarding cutting grass in various areas including behind privacy fences.

Ms. Bunting stated that there have been discussions about implementing a process in the future where door hangers are placed on residents' doors informing them of their responsibilities. She noted that Ms. Mikel will cover the current process later in the presentation.

In response to Councilman Hobbs, Ms. Mikel reminded everyone that citizens may report grass violations to the 311 call center.

Ms. Mikel spoke about zoning violations, the zoning violations process and zoning violations' penalties.

Mayor Tuck inquired whether staff attempts to contact violators via telephone.

Ms. Mikel stated that staff does attempt to reach violators via phone; however, it can

be challenging to reach those who use temporary, throw away phones.

Councilman Brown echoed Ms. Bunting's comment regarding citizens not understanding the court process and court continuances delaying complaint resolutions.

Ms. Mikel continued speaking about court and legal processes.

Mr. Bynum made additional comments related to the legal processes for complying with the 4th Amendment, notice procedures and serving summonses.

Ms. Mikel closed the presentation and reminded everyone that the overall goal of code enforcement is to enhance the appearance of neighborhoods; increase property values; and protect the public health, safety and welfare. She added that other opportunities exist to maintain structures in the City, and amend codes through the General Assembly and the Board of Housing and Community Development to amend State law as needed.

Mayor Tuck asked about staff's recommendation for lowering the grass height limitation from the current 10 inch limit. He expressed concern that in some cases the grass has grown higher by the time violators receive notice and are given the allotted time to correct the violation.

Ms. Bunting said that staff will return to Council with a recommendation once they have had an opportunity to review the State Code ability with the legal team.

Vice Mayor Gray commented that the City should also be required to meet the same height standard for the properties it maintains. Ms. Bunting assured everyone that the City will comply with the standard recommended by staff.

In response to Councilman Brown, Ms. Mikel reiterated that there were over 4,000 high grass violations last year.

Councilman Brown commended Ms. Mikel for giving a good presentation.

Presented by Kim Mikel, Property Maintenance Division Manager, and Kendall Bynum, Assistant City Attorney.

2. [19-0267](#) Briefing on Virginia Department of Transportation (VDOT) Revenue Sharing and Transportation Alternative Program Funds

Attachments: [Presentation](#)

Virginia Department of Transportation (VDOT) Projects Manager Angela Rico

greeted those on the dais and presented on the Revenue Sharing Program, Transportation Alternatives Program and Primary Extension Repaving Program Projects.

#### REVENUE SHARING PROGRAM

Ms. Rico provided an overview of the program including information about projected statewide allocations for FY21 and FY22 and the percentage of funding from state (50%) and local (50%) government during the two-year application process. She also listed 16 previously funded revenue sharing projects, and noted that the total revenue sharing funds received for those projects amounted to \$12.2 million.

Ms. Rico listed the ways in which candidate revenue sharing projects are identified as ongoing projects that need additional funding for completion; construction and maintenance projects that are in the City's approved Capital Improvement Program (CIP); and new projects compatible with the City's Master Plan that may meet the criteria for the revenue sharing program.

Ms. Rico shared information about the Grant Street Extension, the project identified for the Revenue Sharing Program this year. The estimated cost for the project is \$5.8 million (\$2.9 million State revenue sharing and \$2.9 million City match). The purpose of the project is to extend Grant Circle to the east from McAllister Street to North Armistead Avenue.

#### TRANSPORTATION ALTERNATIVES PROGRAM

Ms. Rico provided an overview of the program. This Federal program is authorized in the Federal Transportation Bill, Fixing America's Surface Transportation (FAST) Act and can be used for the construction of trail facilities, turnouts or overlooks, or historic preservation and rehabilitation of historic transportation facilities. There is a competitive application process where projects are scored and ranked based on merit, readiness and the City's investment. Funding for projects is 80% maximum Federal and 20% minimum local match; however, in this case, the City has requested 79% Federal and 21% local match to increase the application score.

Ms. Rico listed the four previously funded projects through this program and noted that the total funds received for those projects amounted to \$3 million Federal dollars.

Ms. Rico provided information about the proposed FY21 and FY22 candidate projects for this program. The Old Buckroe Road pedestrian improvements project is estimated to cost \$1.1 million (\$830,000 Federal TAP funds and \$221,000 City Match) and includes plans to complete sidewalks and Americans with Disabilities Act

(ADA) compliant amenities such as crosswalks, pedestrian crossing signals and handicap ramps. The North Mallory Street reconstruction project is estimated to cost \$960,000 (\$759,000 Federal TAP funds and \$202,000 City match) and includes plans for pedestrian amenities such as ADA compliant crosswalks and plans to reduce lanes allowing for buffered bike lanes.

**PRIMARY EXTENSION REPAVING PROGRAM**

Ms. Rico provided an overview of the program. This program allows for repaving and ADA compliance (handicapped ramps). The program is 100% State funded. There is a competitive application process where projects are scored and ranked based on pavement condition, NHS, and traffic volumes.

Ms. Rico listed the projects estimated to cost \$1 million for which VDOT will provide funding. They are Magruder Boulevard, Armistead Avenue North (2 projects), Mercury Boulevard West, Fox Hill Road and Kecoughtan Road.

Ms. Rico closed stating Council is being asked to adopt three resolutions, one for each of these programs. If approved these projects will be included in the next Six Year Improvement Plan (SYIP) on July 1, 2020.

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

In response to Vice Mayor Gray, Ms. Rico provided an update on the status of the King Street to 1-64 project under the Revenue Sharing Program. The project is currently under design; VDOT has been coordinating with Dominion Power on their overhead utility lines; and the project should be advertised this spring.

Ms. Bunting reminded Council that action for this item will be on the evening agenda as part of the Consent Agenda.

Presented by Angela Rico, Virginia Department of Transportation (VDOT) Projects Manager.

**REGIONAL ISSUES**

There were no regional issues.

**NEW BUSINESS**

There were no items of new business.

**CLOSED SESSION**

3. [19-0269](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.5. and .7 to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in Hampton and to consult with legal counsel employed or retained by the City regarding specific legal matters pertaining to the city code and code enforcement requiring the provision of legal advice by such counsel.

At 1:50 p.m., a motion was made by Councilmember Eleanor Weston Brown and seconded by Councilmember Billy Hobbs, that this Closed Session - Motion be approved. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**CERTIFICATION**

4. [19-0270](#) Resolution Certifying Closed Session

At 5:22 p.m., a motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Snead, that this Closed Session - Certification be approved. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**ADJOURNMENT**

The meeting adjourned at 5:22 p.m.

**Contact Info:**  
Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)

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Donnie R. Tuck  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

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