



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, May 23, 2018

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:32 p.m. with all members of the City Council 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 Billy Hobbs

Councilman Hobbs gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck called forward Mr. Bob Harper, owner of Bob Harper Photography, LLC, who presented a Mayoral portrait, which has been placed on the Consent Agenda to accept as a donation. He stated that he is donating this portrait to honor the Mayor in a City that he loves. Mayor Tuck stated that he is humbled by this gesture.

Captain Heartless took over Council Chambers to announce the Blackbeard Festival which is coming to Hampton the first weekend of June. This is the 300th Anniversary of Edward Teach's last battle. A long ago promise will finally be realized, Hampton will have its own Pirate Ship. Captain Heartless shared some of Hampton's naval history.

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 Hobbs, to approve the Consent Agenda. The motion carried by the following vote:

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

1. [18-0150](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016 Continuum of Care (CoC) Planning Grant through the U. S. Department of Housing and Urban Development (HUD)

Attachments: [Grant Proposal Overview](#)
[Application Letter](#)
[Renewal](#)
[Agreement](#)
[Risk Assessment](#)
[Subrecipient Agreement](#)

Item approved.

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

2. [18-0158](#) Resolution Accepting and Appropriating Funds for the Fiscal Year 2019 Children's Services Act (formerly Comprehensive Services Act for At-Risk Youth and Families)

Attachments: [Grant Proposal Overview](#)

Item approved.

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

3. [18-0173](#) Resolution Appropriating \$83,136.36 in federal reimbursements from account 01-62049 to the Fiscal Year 2018 Operating Budget of the Police Division.

Attachments: [Federal and State Revenues](#)

Item approved.

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

4. [18-0174](#) Resolution Appropriating \$5,549.57 in reimbursements from the Commonwealth of Virginia for extraditions from account 01-61013 to the Fiscal Year 2018 Operating Budget of the Police Division.

Attachments: [Federal and State Revenues](#)

Item approved.

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

5. [18-0175](#) Resolution Appropriating \$7,897.00 in insurance money paid by USAA General Indemnity for a damaged speed trailer from account 01-57103 to the Fiscal Year 2018 Operating Budget of the Police Division.

Item approved.

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

6. [18-0172](#) Resolution Approving Fiscal Year 2018 Third Quarter Budget Adjustments

Attachments: [Budget Adjustments](#)

Item approved.

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

7. [18-0166](#) Encroachment Application No. 2018-001:Dale O. Bliss and Karen A. Bliss Requesting an Encroachment of an Area Comprising 2,017 Square Feet, More or Less, of a Public Drainage Easement to Replace and Install a Privacy Fence Pursuant to § 34-86 of the City Code

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

Item approved.

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

8. [18-0178](#) Motion to accept the donation of a portrait of the Mayor from Bob Harper Photography, LLC pursuant to Section 2-134 of the Code of the City of Hampton, Virginia.

Item approved.

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

9. [18-0141](#) Approval of the minutes from the work session of May 2, 2018, and the work and legislative sessions of May 9, 2018.

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Ms. Glass read the protocol for Public Hearings.

Resolutions

10. [18-0165](#) Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Fee and Easement Takes, Pursuant to §§

25.1-100, Et Seq. and 15.2-1901, Et Seq. of the Code of Virginia of 1950, as Amended, from Portions of the Parcel Identified as 1809 W. Mercury Boulevard (LRSN 7001258) for the Commerce Drive Extension and Convention Drive Improvements Project

Attachments: [Presentation](#)

City Manager Mary Bunting stated that this is a Virginia Department of Transportation requirement to move forward with the project. The City will do all in its power to use negotiations and voluntary means to acquire the property before using condemnation authority. She introduced Mr. Philippe Fenouil, Senior Civil Engineer, who provided a presentation.

Councilwoman Schmidt asked if taking this section of property would inhibit the Quality Inn's business. Mr. Fenouil confirmed that they will be able to operate their business as they currently do.

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

Presented by Philippe Fenouil, Senior Civil Engineer/Project Manager. Following a public hearing with no speakers, a motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that this Resolution be approved. 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. [18-0159](#) Resolution Approving and Authorizing the Execution of a Second Amendment to Lease Agreement by and Among the City of Hampton, Hampton Watersports LLC and Virginia Beach Watersports LLC for the Purpose of Conducting Watersports Activities and Concession Services at Buckroe Beach

Attachments: [Exhibits A, B & C](#)
[Signed Amendment](#)

Ms. Bunting stated that this is a renewal of the current lease agreement approved last year. The tenant has indicated his intent to renew the lease agreement at Buckroe, but has asked for several changes to the agreement. Those changes include fees, location, and the ability to sell food products other than pre-packaged food to meet the needs of the beachgoers. Staff has recommended a different fee

structure for years two, three and four. The fee for the remaining term, year five, would be negotiated if and when the lease reaches that point. The City is also clarifying provisions requiring payment of all taxes; placement of tables, chairs, and umbrellas within the concession facility to be consistent with those used by Parks, Recreation & Leisure Services in the rest of the Buckroe Beach area; records accounting; and the amendment of exhibits to show a different location for the concession facility. She stated that staff recommends approval of the resolution.

Mayor Tuck opened the Public Hearing. As there were no speakers, Mayor Tuck closed the Public Hearing.

Councilwoman Schmidt asked if the City currently provides tables, chairs, and umbrellas. Ms. Bunting stated that there are certain areas where the City provides these items and the City would like the tenant to use consistent equipment. Councilwoman Schmidt stated that she has not seen this equipment at Buckroe previously. Assistant City Manager Brian DeProfio stated that these items will be added this year in certain parts of Buckroe.

Mayor Tuck called for the motion.

Presented by Mary Bunting, City Manager, and Brian DeProfio, Assistant City Manager. Following a public hearing with no speakers, 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: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

PUBLIC COMMENT

Mayor Tuck opened Public Comment. As there were no speakers, Mayor Tuck closed Public Comment.

GENERAL ITEMS

Appointments

12. [18-0122](#) Consideration of appointments to Neighborhood Commission
A motion was made by Vice Mayor Curtis to appoint Kevin Steele serve as the District 8 (Downtown District) appointee to a four year term expiring on May 31, 2022, and Nazareth Bertrand

Cortez to serve as the youth representative until May 31, 2020.

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting gave an update on the Mallory Point construction and the discovery of human remains two days ago. Upon discovery by the contractor, they immediately contacted the proper authorities and the City contacted the Department of Historic Resources (DHR) when it was determined that these were aged human remains. A representative of DHR visited the site yesterday. The contractor stopped work of their own volition. The remains appear to be those of a Native American female between 200 and 600 years old. It is believed her arms were crossed over her chest prior to disturbance. The contractor will engage William & Mary Archeological Field School to make a better assessment of the bones and the site. The DHR representative did not find any evidence of other bodies. The State intends to contact the Indian Tribe Master.

Ms. Bunting stated that the City is not party to what happens at this point. Some citizens have been asking Council to take specific actions, but this is under the jurisdiction of the State and the Department of Historic Resources. The contractor is working with the State and there is nothing for Council to do at this point in time.

MISCELLANEOUS NEW BUSINESS

Kindness Month Proclamation

Mayor Tuck called forth Mr. Kevin Lyles, United Way Vice President of Community Impact and Operations. Mayor Tuck presented a proclamation designating Hampton as a Community of Kindness.

ADJOURNMENT

The meeting adjourned at 7:06 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____