



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

Wednesday, September 26, 2018

1:00 PM

Council Chambers

CALL TO ORDER

Vice Mayor Gray noted that both Mayor Tuck and City Manager Mary Bunting are out of town on City business. Assistant City Manager Brian DeProffio will be sitting in for Ms. Bunting this afternoon.

Vice Mayor Gray called the meeting to order at 1 p.m. Vice Mayor Gray was sitting in the place of Mayor Tuck who is traveling on City business. All of the other members of the City Council were present.

Present 6 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, and Councilmember Chris Snead

Excused 1 - Mayor Donnie R. Tuck

JIMMY GRAY PRESIDED

AGENDA

1. [18-0314](#) Resolution Endorsing the Hampton-Langley Air Force Base Joint Land Use Study Addendum: Resiliency and Adaptation

Attachments: [JLUS Addendum](#)
[Presentation](#)

Mr. DeProffio noted that the City has a long history of being proactive in addressing concerns regarding its Federal assets, going back to at least the mid-1990s. Following the 2005 Base Realignment and Closure (BRAC) process, the City worked

with surrounding communities and Langley Air Force Base (AFB) to conduct a Joint Land Use Study (JLUS) to determine additional steps needed to protect the operations at Langley AFB. The study was formally adopted in 2010.

Mr. DeProfio stated that the City has been chosen as one of the first communities in the country to do a JLUS for resiliency. This covers how the City deals with sea-level rise as it relates to the operations at Langley AFB. He introduced Mr. Bruce Sturk, Director of Federal Facilities Support, and Ms. Lucy Stoll, City Planner, who would be providing a presentation to Council. He noted that there will be a vote to approve the study on the Legislative Agenda.

Mr. Sturk stated that there has been a lot of collaboration with stakeholders, and introduced Colonel Sean Tyler, 633rd Air Base Wing Commander; Retired Colonel Reggie Austin, Director of the Joint Integration Office at Joint Base Langley-Eustis; Ms. Jerri Grimes, 633rd Air Base Wing Partnership Manager; Ms. Chris Garrett, Civil Engineering Squadron Representative; and Mr. Travis Willer, 633rd Air Base Wing Community Planner. He noted that this addendum is a significant step in the right direction as the City looks at resiliency for both the City and Langley AFB.

Ms. Stoll provided a presentation to Council and stated that a vote would be requested this evening.

Colonel Tyler stated that his team is completely in lockstep with Hampton on this JLUS, and the partnership has always been amazing. He stated that this ties into the National Defense Strategy, going all the way to the Secretary of Defense. Since 9-11, they have been prominently conducting the global war on terrorism. The Air Force fights and launches from Langley AFB, so this work ensures the continued viability of Langley AFB. He also noted that JLUS, schools, and jobs are the three key things the Secretary of Defense looks for in communities, and Hampton is outstanding in those three areas.

Vice Mayor Gray thanked Ms. Stoll, and Colonel Tyler and his staff. He stated that the City values their presence here. Staff is ready to work together to keep Langley AFB up and running at all times.

Presented by Lucy Stoll, City Planner, with additional remarks by Bruce Sturk, Hampton's Director of Federal Facilities, Colonel Sean Tyler, 633d Air Base Wing Commander, and Terry O'Neill, Director of Community Development.

2. [18-0293](#) Briefing on Code Enforcement

Attachments: [Presentation](#)

Mr. DeProfio stated that the City often gets questions from citizens on what staff can do to address certain property maintenance issues and why it takes so long for some of the issues to get addressed. One of the challenges is that State law governs what the City can do in many instances. He introduced Mr. Phil Russel, Property Maintenance Division Manager, who provided a presentation to Council.

Regarding the cutting of bushes, City Attorney Cheran Ivery stated that her office is working on partnering with other localities who face the same issue to include it in a legislative package from the whole region. It would be tailored to avoid adversely affecting rural communities.

Councilwoman Snead noted that she is on the Virginia First Cities (VFC) board, and this issue was under review for inclusion in their legislative packet. VFC will be meeting at the Virginia Municipal League (VML) conference on Monday to further discuss the problem. She noted that Lynchburg claims they do not have a problem and will go on a property to cut bushes. She asked how they are allowed to cut bushes and charge it on the property owner's tax bill, but Hampton is not. Ms. Ivery stated that Hampton is following the law and has looked at every available option. It is important that the City does not exceed its powers. She will look at how Lynchburg crafted their ordinance.

Regarding signs in public right-of-ways, Councilman Brown asked what the consequences are for repeat offenders. Mr. Russell stated that if staff can identify who is placing the signs, they will send a Notice of Violation. Most of the phone numbers listed on these types of signs are voicemail services, so there has been very little luck getting notices out. The Hampton Police Division (HPD) helps when possible at night. He noted that staff has sent notices based on license plates of those placing the signs. To his knowledge, there has never been a summons issued for this violation.

Regarding roadside memorial signs, Vice Mayor Curtis asked how many official ones have been placed by the City. Mr. Russell stated that there have been two official memorials placed since 2016.

Councilman Hobbs asked what the City does with homemade roadside memorials. He noted that he has been driving past one for two years. Mr. Russell stated that if he will give them the location, staff will address it. Councilman Hobbs stated that he understands why people place them, but this particular one is not being maintained and it is now shabby looking.

Regarding search warrants, Councilman Brown asked if these were done in collaboration with HPD and what occasions would require a search warrant.

Mr. Russell stated there are times when the life, safety, and health of someone is in great danger, and if they refuse entry to staff, the City must go through a search warrant. Staff has been very successful in gaining entry to places, and receives guidance from legal before moving forward with the search warrant process. People need help, and sometimes the City has to help them. In response to Councilman Brown's question, Mr. Russell confirmed that most search warrants are for internal violations.

Regarding the Citizen Codes Academy, Councilwoman Brown asked how many will be able to attend the first class. Mr. Russell stated that a number has not been determined, but there have been discussions of 20 to 30 for the first class. This is a new program and staff believes it will be a successful program with enough citizen involvement. Mr. Terry O'Neill, Community Development Director, stated that the City will have a pilot neighborhood to start with, and after a beta test period, the program will be modified as necessary and opened to the City.

Councilman Brown stated that this is exciting because the City will be able to utilize volunteers to do some of the work paid staff is doing. He believes the citizens of Hampton would be served well to know the number of hours volunteers work and the cost savings to the City.

Vice Mayor Gray asked if the volunteer inspectors will have some form of City ID and what the liability for the City is. Mr. Russell stated that they will have a City-issued ID and the other issues will be worked through with the City Attorney's Office and Risk Management. He stated that he cannot answer the Vice Mayor's questions today, but the answers will be in place prior to the start of the Academy.

Regarding the regulation of commercial vehicle parking, Ms. Brandi Law, Deputy City Attorney, stated that the City is restricted by the State Code. The City Attorney's Office is in discussions with the City's legislative consultant, Two Capitols Consulting, about having that changed at the State level so the City has more authority.

Presented by Phillip Russell, Community Development Department Maintenance Division Manager. Brandi Law, Deputy City Attorney, also provided information.

3. [18-0271](#) Briefing on Fiscal Year 2019 State Budget Impacts

Attachments: [FY-19 State Budget Impacts](#)
[Corrected Presentation](#)

Mr. DeProfio noted that the Virginia General Assembly adopted the State Budget after the City adopted its budget. Staff has analyzed the State Budget and identified

additional funding. These funds were actually adopted and allocated at the last meeting, but the informational presentation was deferred due to Hurricane Florence. He introduced Ms. Lori Green, Interim Budget Director, who provided a presentation to Council.

Presented by Lori Green, Interim Budget Manager.

REGIONAL ISSUES

NEW BUSINESS

Councilwoman Curtis noted that on tonight's Legislative Agenda, there is a resolution for the Monroe Gates project that will be under consideration. She stated that no one on Council can be unaware of the problems the City is facing with traffic, largely people getting off Interstate 64 (I-64) because the Hampton Roads Bridge Tunnel (HRBT) is backed up, using a wide variety of traffic apps to reroute themselves back on I-64 at either Settlers Landing or Mallory Street.

Councilwoman Curtis noted that when she first came to Hampton in 1982, this problem existed on Friday afternoons, and now it is almost every day in the summer, and it starts earlier and earlier. The result has been much more traffic downtown and the creation of a chokepoint in Phoebus. She and the rest of Council have had complaints from citizens who want to go to the businesses in Phoebus and cannot get there. With a residential project potentially being built there, if people cannot get in and out of Phoebus, people will not move there.

Councilwoman Curtis noted that in the past, staff has made inquiries to the Virginia Department of Transportation (VDOT) about closing, at least temporarily or on certain days for certain hours, the entrance ramp from Mallory Street. VDOT has not been receptive. She stated that City Council needs to be serious about finding a solution as a body. The solution may be using their political will to influence VDOT's decision or to use the City's legislators to assist Council in this effort. She believes Council owes it to the citizens to see if there is a solution and if VDOT can help the City. It is not fair to citizens or businesses for things to remain as they are.

Mr. DeProfio stated that he has spoken with the City Manager and with Public Works regarding this situation, and staff will be bringing the issue back to Council in October. Which meeting will depend on their contact with VDOT. He noted that the City needs to start the dialogue to find the best way to move forward.

Councilwoman Snead stated that she absolutely agrees with Councilwoman Curtis. She receives calls every summer about this issue. She noted that the City needs to be careful about its options, because this issue impacts not only Mallory and Settlers Landing, but also Mercury and Pembroke. She believes the City needs to work hard

to completely close off that ramp.

Councilman Hobbs stated that he agrees with that assessment. He noted that in Norfolk, they close off access to I-64 at certain times from Willoughby Spit. It works over there, so it is something the City should push over here.

Councilman Brown stated that he went to a neighborhood meeting in Phoebus in May, where there was discussion of Monroe Gates. The project is beautiful, but he believes they should listen to Councilwoman Curtis, because there is an economic impact occurring when businesses are being choked. Phoebus is a nice part of the City that is growing, so Council needs to be intentional with the legislative package, to let the State know it is affecting the City's tax base and economy.

Councilwoman Brown stated that she would endorse those comments and seconded what Councilman Brown was saying about the economic impact. She also endorsed what Councilwoman Curtis was saying about Phoebus and about Downtown, because there is also an impact to the economic base Downtown.

Vice Mayor Gray thanked Councilwoman Curtis for bringing this issue up to the rest of Council. He believes it is definitely a problem. He travels to the Southside often for meetings, and he understands how bad the traffic can get. He has noticed that the traffic in Phoebus is the worst he has ever seen, and it has actually become easier to get on I-64 prior to Mallory, because of how bad the traffic is in that area. The timeline on the HRBT congestion relief has been pushed out to 2025, so it is going to get worse before it gets better.

HPD Chief Terry Sult stated that the City is going to be dealing with the expansion of the HRBT soon and it will affect the ramp on Mallory. It might help the City in the future with the problems construction will cause if that ramp is closed all together.

CLOSED SESSION

4. [18-0282](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.1, 3, and .7 to discuss appointments as listed on the agenda; to discuss or consider the acquisition of real property in the Coliseum Central area for a public purpose and the disposition of publicly held real property in the Phoebus area where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city; and to consult with legal counsel pertaining to actual litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the city.

At 2:24 p.m., a motion was made by Councilmember Linda Curtis 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, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

- 5. [18-0231](#) Consideration of an appointment to the Planning Commission
- 6. [18-0262](#) Designation of Hampton's Voting Delegate and Alternate Voting Delegate for the Virginia Municipal League (VML) Annual Business Meeting
- 7. [18-0301](#) Consideration of appointments to Peninsula Agency on Aging Board of Directors
- 8. [18-0303](#) Consideration of appointments to Hampton Redevelopment & Housing Authority (HRHA)
- 9. [18-0302](#) Consideration of appointments to Hampton Employees Retirement System Board (HERS)

CERTIFICATION

- 10. [18-0283](#) Resolution Certifying Closed Session

At 3:59 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, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

ADJOURNMENT

The meeting adjourned at 3:59 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____