



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 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 12, 2018

2:00 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 2:48 p.m. with all members of the City Council present.

Present: 7 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilmember Steven Brown

Councilman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck stated that the City Council had decided to move the Legislative Session to 2:00 p.m. and there will be a truncated agenda.

Mayor Tuck stated that the City should be thankful that it will not be experiencing the full brunt of Hurricane Florence. He thanked City staff for the preparations that have been made to have a successful experience with this impending storm.

City Manager Mary Bunting stated that the track of Hurricane Florence has moved such that it does not appear the City will be experiencing the impact feared earlier in

the week. This does not mean that the City will not be impacted. Hurricane Isabel, which was a Tropical Storm when it reached the City, had winds, coupled with saturated grounds that caused great damage. This is similar to the situation the City is currently in. There was flooding over the weekend, just from an intense rain event. The City will still experience rain, higher tides, and high winds. These will interfere with power lines and trees. The City is still prepared for the worst. Staff has been working around the clock and will not relax its efforts.

Ms. Bunting stated that two shelters remain open, Phenix and Bethel. Phenix has the ability to care for those who require power-dependent medical equipment. There is also transportation available, and the best way to obtain that type of support is by calling 311. There is also an animal shelter available at Bethel. There are already citizens in the shelters.

Ms. Bunting noted that Public Works is being proactive and trying to clear out drains and get debris off the streets. She reminded citizens that they should never put their trash toters out early and anyone who has a totter out on the street needs to bring it back in and secure it.

Ms. Bunting stated that citizens should have hurricane preparedness kits and be prepared to be without power. The general rule of thumb is at least three days, although from previous experience, this can sometimes take longer. She emphasized that the Governor's evacuation order for Zone A was mandatory and it has not been lifted. It is not the City's place to rescind the Governor's order, and she encourages people to heed the order to avoid the effects of rain and storm surge impacts to the City.

Ms. Bunting stated that 311 remains ready to answer questions. The City updates most frequently and quickly on the City's Facebook page.

Ms. Bunting stated that she called for a Local Declaration of Emergency earlier this week, and it is Council's responsibility to ratify that declaration within seven days.

Ms. Bunting stated that historically, the City has waived permit fees for residents and businesses that have damage due to natural disasters. While she hopes this kind of damage will not occur with this storm, if this does occur staff is asking for Council's permission to waive those fees.

Mayor Tuck acknowledged Mr. Stefan Smi, Federal Emergency Management Agency (FEMA) Public Assistance Region III Representative. Mr. Smi stated that there has been excellent collaboration between FEMA and the State to go to local jurisdictions to ensure that there are no unmet critical needs. He stated that he has

experienced excellent communication and teamwork at the Emergency Operations Center, and he looks forward to working with the City to move efforts forward.

Mayor Tuck noted that a FEMA representative came to the City after Hurricane Matthew, and it is great to have a representative here ahead of the storm.

18-0312 Resolution of the City Council of the City of Hampton, Virginia Confirming the Declaration of a Local Emergency Made Necessary by "September 2018 Hurricane" Also Named "Hurricane Florence"

Attachments: [Declaration of Emergency](#)

A motion was made by Councilmember Eleanor Weston Brown and seconded by Councilmember Chris Snead, that this Resolution be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

18-0315 Ordinance Suspending Payment of Certain Fees Associated with Permits Required to Repair or Replace Structures Damaged By Hurricane Florence

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Snead, that this Ordinance-Non-Coded be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Special Spotlight on the 50th Anniversary of Thomas Nelson Community College

This item was postponed.

CONSENT AGENDA

Ms. Katherine K. Glass, Clerk of Council, read the protocol for the Consent Agenda. There were requests to remove two items from the Consent Agenda prior to voting.

8. 18-0300 Resolution to Amend the Capital Budget of the Fiscal Year 2019

Council Approved Budget to Appropriate Additional Revenue of \$3,200,000 in (City) General Bond Obligation Proceeds and the Additional Expenditure of \$3,200,000 for Coliseum Drive Redevelopment; the Transfer of that Amount from the Capital Budget to the Economic Development Authority to Make Funds Readily Available for Future Property Acquisitions in the Coliseum Central Area; and the Advance of that Amount from the General Fund's Unassigned Fund Balance to be Reimbursed to the General Fund from a Future General Obligation Bond Issuance or Other Sources that May Become Available

Mayor Tuck announced that he requested this item be removed from the Consent Agenda. He does not support this item.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Linda Curtis, that this Resolution 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

Nay: 1 - Mayor Tuck

12. 18-0295 Resolution Determining Atlantic Emergency Solutions, Inc., to be the Only Source Practicably Available from which to Procure an Annual and Emergency Service Contract for Genesis Rescue Systems and Authorizing the Negotiation and Execution of the Contract with Atlantic Emergency Solutions, Inc., as "Sole Source"

Attachments: [Sole Source Ltr from Genesis](#)

[Quote for Annual Maintenance](#)

Councilwoman Brown announced that she requested this item be removed from the Consent Agenda. In her capacity as an attorney, she has represented this company in the past. Although there is no conflict of interest in this matter, in order to avoid any appearance of impropriety, she would like to abstain.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Steven Brown, that this Resolution-Budget be approved. The motion carried by the following vote:

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

Abstained: 1 - Councilmember Weston Brown

Approval of the Consent Agenda

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

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

1. [18-0288](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to §§ 34-90 to 34-92 of the City Code, to Cellco Partnership d/b/a Verizon Wireless, Inc. of an Aerial Area Totaling 13.25 Cubic Feet, More or Less, to Install an Antenna, an Equipment Cabinet, and a Power Panel on a Dominion Energy Power Pole in the Public Right-of-Way Near 2200 W. Mercury Boulevard

Attachments: [Encroachment](#)

[Certificate of Insurance](#)

[Presentation](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

2. [18-0289](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to §§ 34-90 to 34-92 of the City Code, to Cellco Partnership d/b/a Verizon Wireless, Inc. of an Aerial Area Totaling 13.25 Cubic Feet, More or Less, to Install an Antenna, an Equipment Cabinet, and a Power Panel on a Dominion Energy Power Pole in the Public Right-of-Way Near 1708 Todds Lane

Attachments: [Encroachment](#)

[Certificate of Insurance](#)

[Presentation](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

3. [18-0298](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to CCJ Armistead, LLC, Into an Area of Public Right-of-Way Known as N. Armistead Avenue for a Force Main Connection Comprising 500 Square Feet, More or Less, for the Development at 1100 N. Armistead Avenue (LRSN 8000286)

Attachments: [Encroachment](#)

[Certificate of Insurance](#)

[Presentation](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [18-0291](#) Resolution Approving Fiscal Year 2018 Fourth Quarter Budget Adjustments and Certain Fiscal Year 2019 Budget Adjustments

Attachments: [Budget Adjustments and Transfers](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [18-0265](#) Resolution to Amend the Fiscal Year 2019 Council Approved Budget and Accept and Appropriate Additional State Revenues for the General Fund of the City of Hampton (City and School Operations) and the Reclassification of a Revenue Account for the PC Replacement Program

Attachments: [\(2019 CAB\) 01-18 State Amendments \(9-1-18\)](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

6. [18-0296](#) Resolution to Amend the Fiscal Year 2019 Council Approved Budget and Accept and Appropriate the Rescue Squad Assistance Grant Awarded by the Virginia Office of Emergency Medical Services to the City of Hampton, Virginia

Attachments: [FY18 RSAF Grant Award Ltr](#)
[Grant Routing Sheet](#)
[General RSAF Grant Info](#)
[RSAF Grant ALS iPad MOA](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

7. [18-0309](#) Resolution to Amend the Fiscal Year 2019 Approved Budget to Appropriate Funds for Uncompleted Capital Project Commercial Blight Abatement Funding by the General Fund and Transfer Those Funds to the Economic Development Authority Fund

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

9. [18-0294](#) Resolution Appropriating \$17,000.00 of Fund Balance 01-38078 to the Fiscal Year 2019 Operating Budget of the City Attorney as Authorized by Virginia Code §58.1-3969

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

10. [18-0281](#) Resolution Appropriating \$39,700.00 from Assigned Fund Balance - City Attorney Fees from Judicial Tax Sales to the

Fiscal Year 2019 Operating Budget of the City Attorney

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

11. [18-0292](#) Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of FY2019 Virginia DMV Highway Safety Grant (Selective Enforcement - Speed) Through the Commonwealth of Virginia's Department of Motor Vehicles

Attachments: [Grant Award](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

13. [18-0311](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 14, Fire Prevention and Protection, Article I Entitled, "In General" Pertaining to Volunteer Fire Companies and Volunteer Rescue Squads

Attachments: [Redline](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

14. [18-0277](#) Approval of the minutes from the work and legislative sessions of August 8, 2018.

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Use Permits

15. [18-0286](#) Use Permit Application No. 18-00005 by Lankford and Joyce Blair to Permit a Bed and Breakfast 2 at 232 South Armistead Avenue [LRSN: 2001912]

Attachments: [Conditions](#)
[Application Form](#)
[Supplement Form](#)
[Floor Plan](#)
[Survey](#)
[Narrative Statement](#)
[Executed Parking Agreement](#)
[Parking Exhibit](#)
[Staff Report](#)
[Letters of Support](#)
[Presentation](#)
[Planning Commission Resolution](#)

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Use Permit be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Ordinances

16. [18-0284](#) Ordinance to Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining to Pharmaceutical Processors

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

A motion was made by Councilmember Linda Curtis and

seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

17. [18-0285](#) Ordinance to Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 3-2 Entitled "Uses Permitted" to Add a Category of Pharmaceutical Processor to the Table of Uses Permitted

Attachments: [Redline Text](#)

[Redline Use Table](#)

[Clean Use Table](#)

[Presentation](#)

[Planning Commission Resolution](#)

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Resolutions

18. [18-0270](#) Resolution Authorizing the Execution of an In-Building Radio Agreement Between the City of Hampton and T-Mobile Northeast LLC for the Purpose of Installing and Operating a Wireless Distributed Radio System with Service Node(s), Radio Nodes, and any Necessary LAN Equipment at the Hampton Roads Convention Center

Attachments: [Proposal](#)

[Agreement](#)

[Site Plan](#)

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Resolution be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PUBLIC COMMENT

GENERAL ITEMS

Ordinances

Resolutions

19. [18-0304](#) Resolution Determining an Economically Mixed Development Project in the Phoebus Area of Hampton to Qualify for Virginia Housing Development Authority Financing Pursuant to Code of Virginia §36-55.30:2B

Attachments: [Exhibit A](#)

[Presentation](#)

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Resolution be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Appointments

20. [18-0231](#) Consideration of an appointment to the Planning Commission

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

21. [18-0262](#) Designation of Hampton's Voting Delegate and Alternate Voting Delegate for the Virginia Municipal League (VML) Annual Business Meeting

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

22. [18-0301](#) Consideration of appointments to Peninsula Agency on Aging Board of Directors

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

23. [18-0303](#) Consideration of appointments to Hampton Redevelopment & Housing Authority (HRHA)

A motion was made by Councilmember Linda Curtis and

seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 9/26/2018. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Mayor Tuck asked the City Manager to address the issue of parking during the storm. Ms. Bunting stated that the City only owns one garage, which is located on Settlers Landing. It is available for all citizens who would like to move their cars to that location, and it is always available for that purpose during storms. The Peninsula Town Center has also offered the first and third floors of their parking garage. Because it is a private facility, they noted that they do not take responsibility for vehicles parked there. The City is currently in discussion with other local businesses. She noted that Langley Speedway proactively volunteered their parking lot for citizens to use.

Mayor Tuck noted the mandatory evacuation was issued for the sake of caution. He stated that he volunteered during the Hurricane Katrina recovery relief, which included delivering goods for those who decided to shelter in place. Almost all of those residents regretted the decision to stay. He knows there is a temptation to try to ride out the storm, but this is a storm we have not experienced before. Citizens need to be aware that all avenues to get in and out of their homes will be blocked, and this is dangerous to first responders. While it is the decision of the citizen to shelter in place, there may not be resources available if that citizen has an emergency.

Mayor Tuck stated that there was a reverse 311 call on Public Works not collecting trash on Thursday and Friday. There are those who have put yard waste out ahead of those collections days, or leave their grass clippings in the street. He noted that if citizens are complaining about clogged drains, they need to look to their neighbors and themselves, who choose to do these things. All yard waste needs to be removed. Normal collections may not resume immediately, as those crews will be working on debris removal.

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 3:10 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____