



City of Hampton

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

Council Approved Minutes - Final City Council Legislative Session

Mayor George Wallace
Vice Mayor Linda D. Curtis
Councilmember W.H. "Billy" Hobbs
Councilmember Will Moffett
Councilmember Teresa V. Schmidt
Councilmember Chris Snead
Councilmember Donnie R. Tuck

STAFF: Mary Bunting, City Manager
Vanessa T. Valldejuli, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, February 24, 2016

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:39 p.m. with all members of the City Council present.

Present: 7 - Vice Mayor Linda D. Curtis, Councilmember Billy Hobbs, Councilmember Will Moffett, Councilmember Teresa V. Schmidt, Councilmember Chris Snead, Councilmember Donnie R. Tuck and Mayor George Wallace

GEORGE E. WALLACE PRESIDED

INVOCATION - Councilmember: Billy Hobbs

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

Clerk of Council Katherine K. Glass read the protocol for the Consent Agenda.

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 Hobbs,
Councilmember Moffett, Councilmember Schmidt,
Councilmember Snead, Councilmember Tuck and Mayor
Wallace

1. [16-0024](#) Approval of the minutes from the special session of City Council on February 10, 2016.

Item approved.

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

2. [16-0069](#) Ordinance Approving the Vacation of a Portion of Right of Way along E. Mercury Boulevard Adjacent to 161 Chichester Avenue, Comprising 704 Square Feet (0.0162 Acre), More or Less, to Dennis and Tammy Johnson pursuant to Section 2.05 of the Hampton City Charter.

Attachments: [161 Chichester Vacation Agreement](#)

Councilwoman Schmidt requested that Agenda Item #2 be pulled from the Consent Agenda. She disclosed that she is Dennis Johnson's cousin. She has consulted City Attorney Vanessa Valldejuli and been informed that there is no conflict of interest.

A motion was made by Vice Mayor Curtis, seconded by Councilmember Snead that this agenda item be approved. The motion carried by the following vote:

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

3. [16-0075](#) Resolution authorizing acquisition of a used Non-Armored High Mobility Multipurpose Wheeled Vehicle from the Federal 1033 Defense Reutilization and Marketing Office program for use by the Hampton Police Division in rescue operations

Attachments: [Federal Form](#)

Item approved.

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

4. [16-0076](#) Ordinance To Amend Chapter 21 Of The Code Of The City Of Hampton, Virginia By Repealing Section 21-188, Entitled "Distribution of Handbills, Solicitation Of Contributions And Sales Of Goods Or Services On Public Roads And Designated Highways Prohibited"

Attachments: [Redline](#)

Item approved.

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

5. [16-0079](#) Resolution Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement, and Related Instruments, and Determining Other Matters in Connection therewith to Re-Finance an Existing 2009 Lease/Purchase Agreement with Motorola, Inc

Attachments: [Final Certified Copy for Bond Council](#)

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Ms. Glass read the protocol for the Public Hearing Session.

Ordinances

6. [16-0070](#) Ordinance Approving the Vacation of a Portion of Right of Way at the Intersection of Rip Rap Road and Armistead Avenue, Comprising 5,254 Square Feet (0.1206 Acre), More or Less, to Patrick LLC pursuant to Chapter 34, Article V of the Hampton City Code.

Attachments: [Patricks LLC Vacation Agreement](#)

Ms. Bunting provided an overview on this item. She stated that Patrick, LLC is planning substantial improvements to its commercial property located at 539 North Armistead Avenue. These improvements will increase the net value of its property. The City has valued the area of vacation at \$2,627, which will be paid by Patrick, LLC. None of the local public utility companies have objected to the request, and the City does not find this area will be needed for any other public purpose; therefore, staff recommends approval.

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

There were no speakers signed up to comment on the public hearing. A motion was made by Councilmember Snead, seconded by Vice Mayor Curtis that this agenda item be approved. The motion carried by the following vote:

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

GENERAL ITEMS

Ordinances

Resolutions

7. [16-0074](#) Resolution of the Council of the City of Hampton, Virginia, Naming the Unnamed Mercury Boulevard Bridge Leading to Fort Monroe as the Dr. Martin Luther King, Jr., Memorial Bridge

Ms. Bunting introduced Assistant City Manager Laura Fitzpatrick, who provided an overview on the history of this item. The City will work with the King Center on finalizing the naming of the bridge, and they have indicated

that the turnaround time is within two weeks.

Councilwoman Schmidt asked if the King Center will be charging the City a fee. Ms. Fitzpatrick stated that there is no fee involved with using Dr. Martin Luther King, Jr.'s name. Fees are applied when using his image or content from his speeches.

Ms. Bunting noted that there have been letters and a petition of support for this request.

Councilman Moffett acknowledged the work of the citizen committee that has labored over this. He also recognized Mr. Andrew Shannon, who was representing the Southern Christian Leadership Conference (SCLC) founded by Dr. King. He also acknowledged Aberdeen Gardens Historic and Civic Association, Hampton University President Dr. William Harvey, Pastor Gail House, and Ms. Lillie Mae Jones.

Following a presentation by Assistant City Manager Laura Fitzpatrick, a motion was made by Vice Mayor Curtis, seconded by Councilmember Moffett that this agenda item be approved. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

Councilwoman Schmidt noted that the Cultural Alliance of Hampton Roads will be hosting a social on Thursday, February 25th at the Victoria Center, 36 Mallory Street, at 5:00 p.m. It is open mic night and open to everyone. Additionally, the American Theatre will be showing a movie called Girls in the Band.

PUBLIC COMMENT

Mayor Wallace opened the Public Comment. Ms. Glass read the protocol regarding the Public Comment Session.

Mr. Chauncey Brown greeted those on the dais and made the following statement: Three minutes, I've got to go fast. It has been my custom to celebrate Black History Month by bringing you a Hampton story. I missed last year because of some health issues that we had in our family that kept me out of the picture for a bit, but tonight I'm here to tell you a little bit about an iconic structure that was in Hampton. I'd like to recall a part of our history that's about to be buried. It's being buried in an ironic way. The irony is that we're about to open a new courthouse building on the very site where there once stood a building dedicated to keeping us out of the court or criminal justice system. What that says about the direction that our society has taken may well be a topic for another time. I can't say that I know when it was started, but from my earliest memory, the King Street Community Center was on that same location where our new courthouse building is. That building provided for us, those in my generation, the opportunity to learn from the areas of the arts, music, and of course athletics. A good day was one in which the young men would spend part of the day expending our youthful energy in a torrid game of ping pong or basketball, then cap off the day by going across the street for one of those fantastic hot dogs from Fertitta's. That was when the Fertitta's folks owned it, so the hot dogs were really good. If your money was long enough, you'd finish it off with a slice of French apple pie, not just regular apple pie, but French apple pie. That's the apple pie with raisins in it and icing on the top. This week I received a friend request from one of my contemporaries who is now living and performing in Las Vegas. He got his start at the King Street Community Center and Y.H. Thomas. His name is Tyrone Bowers. I don't want this facility to be forgotten, as so many other iconic structures and locations pertinent to our history have been. Just this month, the home of W.E. Lyles was razed on Queen Street. If I'm correct, I think that was a house that Mr. Lyles lived in. This was a man whose name may not mean much to many of you here, but he was one of the ones that inspired us to know that we could achieve in the areas of business and commerce. He owned a service station right at the corner of Armstead and Lincoln Street. With your indulgence, I would like for you to consider doing something to commemorate that structure that was there and also to consider the rest of the property that's there in some kind of a way, since that was also part of the Grand Contraband Camp. Thank you so much. The clock is telling me that I'm done.

Mayor Wallace noted that one of the other pieces of history that emerged

from that facility was the first Black department head for the City of Hampton.

Mr. John Krulis greeted those on the dais and made the following statement: I've said many times before that I hate coming to City Council, and you don't really believe me, but I hate it more than you hate seeing me come, but this is kind of not the same today. I'm here to thank you very, very much for your recent vote on the exemption for the elderly and disabled. All of you from this end all the way to the other end. Thank you. And Mr. Tuck, thank you very much for making it a vote and not just the sentiment of Council. You voted for it and I thank you. A lot of people out there on Meals on Wheels, who still need volunteers, we haven't gotten any, 246-1904. I won't beg you to do it, because you will thank me if you ever do it. You will thank me sometime in the future for having sent you there. You will, absolutely. And they will thank you, because I'll talk it up, I will. I want to thank Ms. Schmidt also for bringing up some of the things about the particulars, about the numbers. I know you were asking to be able to lower the bar for the future, not for the exemption, but for the deferral and the freeze. Could I ask you to consider something else? I realize now that those numbers are not set in stone; they're all up to you. You can decide any time you want to. You could make the bar something like \$10,000 income. How many people here can picture living on \$10,000? You can't, can you? Not really. Picture it down to that level. And the assets down to \$50,000. Whatever you want to do, but to continue that exemption. I think it would be a beautiful and a very, very decent thing to do. I think that's the one word to describe what you did last week. I don't know that it's gotten out there fully, what you did. Thank you. It's very decent, very decent. Another decent thing you could do is to honor Frank Ottofaro with doing what's right by him. Not by what the law says you've got to do, but what you know is decent to do. Thank you.

Ms. Sandra Canepa greeted those on the dais and made the following statement: On April 13th, only the third Council meeting from tonight, the Hampton Planning Department plans to push for Council approval of a zoning proposal that will permit residential housing in the Wherry Quarter at Fort Monroe. My purpose tonight is to request your individual support in honoring a 2012 Hampton resolution by not approving any zoning plan for Fort Monroe's Wherry Quarter for anything other than for park, tourism, recreation, or open space uses. The Hampton resolution signed by then Hampton Mayor Molly Ward was proposed by you, Councilwoman Snead,

thank you, and approved on August 12, 2012 by a majority vote of six to nothing. One Councilmember was absent that night, but five of you tonight were sitting on Council then. That resolution clearly states Hampton only supports development in Fort Monroe's Wherry Quarter that is complementary to the National Park Service plans such as those which are limited to tourism, hospitality, recreation, and open space concepts and which do not adversely impact upon a significant green connection and view shed protection between the two pieces of the now divided Fort Monroe National Monument. In an earlier survey, 95% of the local respondents stated they wanted Fort Monroe's Wherry Quarter and south waterfront, consisting primarily of batteries Irwin and Parrott, added to the National Monument in the future. Yet, inexplicably, the Planning Department's upcoming zoning plan for approval of residential housing in the Wherry Quarter will fly in the face of our Hampton resolution and in the face of what Hampton citizens want. Plus, it will tend to discourage the unification of a Fort Monroe National Monument. This is a unification which Governor Terry McAuliffe and our now Secretary of National Resources Molly Ward currently are working towards to enhance the beauty and recreational appeal and functionality of the two now divided areas of the Fort Monroe National Monument by adding to them the 80 acres of Wherry Quarter. In 2014, National Parks set a record breaking 293 million visits, not counting the dollars each of those visits brought into a region or a state. Granted, legislation must be enacted in Richmond before any Fort Monroe property can be sold off to private individuals or developers, but if that happens, please keep in mind the importance of your honoring Hampton's resolution in furthering a greater unified National Monument for our region and a greater and more successful economic win for Hampton by not approving zoning of Wherry Quarter for anything other than park, tourism, recreation, or open space uses. Thank you.

Mr. Andrew Shannon greeted those on the dais and made the following statement: When I came up here, I received some protocol for Public Comment Period before I walked in. So I had to make sure that I adhered to the public protocol when you voted on a resolution for Dr. King, because see, I've got some Baptist in me and some Pentecostal, so I started to do a two-step Pentecostal praise right in here. I want to thank you all for honoring Dr. Martin Luther King, Jr. We want to thank you for your outstanding leadership in the City of Hampton and on the peninsula. On behalf of the Virginia State unit of the Southern Christian Leadership Conference (SCLC)

and the Peninsula District Chapter of the SCLC, I would like to convey our sincere appreciation to you for your ongoing support, diligent work, and tireless efforts. Per my communication with Councilman Will Moffett, City Council liaison, and who, I may add, he passed on the torch. See, our organization started in 1957, but then it went on to Dr. Curtis Harris, who's the first African American mayor in the City of Hopewell, but in Mississippi, there was a freedom fighter who travelled up the road to Hampton, Virginia. And he now sits on your City Council, and that is the person of Mr. Will Moffett. So we thank God, and we honor you, Mr. Moffett, for being one of our freedom fighters for our Peninsula District SCLC. See, he was in the position before I came in the position. The torch was passed. We want to also thank the Dr. Martin Luther King Memorial Committee in Hampton. The Virginia State unit of the SCLC and the Peninsula District Chapter of the SCLC would like to certainly support the proposal and thank you for renaming the bridge after the Dreamer. You know, in Selma, in a march from Selma to Montgomery, it was ordinary citizens that helped to get the 1964 Civil Rights Act passed. It was ordinary citizens that helped to get the 1965 Voter Rights Act passed. So, on this day, February 24th, in Hampton, Virginia, I want it to be recorded that it was ordinary people of the Dr. Martin Luther King Memorial Committee, in the City of Hampton, who have come to the leadership seeking your support of the recommendation of the naming of the bridge in honor of Dr. King, and you heard their voices. You didn't read it in the paper. There was no marching. There was no protesting. And there were no sit-ins. You heard the voices of ordinary people. Through conflict resolution and dialogue, that's how we can get things done. I see that the red light is on, and generally sometimes, you know, I've been escorted out of church because one time I talk and they'll send the elders to escort me from the podium. I don't mind being escorted for thanking this Council. I don't mind being escorted for thanking City Manager Bunting, Mayor Wallace, who has helped us with Feeding 5,000, Southeast Community Day Parade and Festival, and honoring Dr. King and his family members, and certainly the Gospel Music Celebration. Ms. Curtis, I've seen you roll up your hands and serve, put an apron on. Certainly Donnie Tuck, you've marched with us, you've marched with us. You've heard me talk about Councilman Moffett, but we thank God for his grace and mercy in protecting you and your health and your family. I want to say that publicly. We give God the honor and glory for carrying you. And Ms. Snead and Ms. Schmidt. Billy, Billy's glad I'm not asking him for money; he's used to me coming to ask him for a check for

supporting this and supporting that. I ain't asking for no money today, we're just saying thank you. And Ms. Glass, thank you. Thank you all. I know my time is up, but I really want to say, sometimes you just don't know how much two words mean. Thank you. And I say this for National Vice President, who was a human shield for Martin Luther King, Curtis Harris, who's 90 years old now. We came to you all in 2002, and it's 14 years later. You did it. Thank you.

Mayor Wallace thanked Mr. Shannon and indicated that there were other good things on the horizon.

COMMENTS FROM THOSE ON THE DAIS:

Ms. Bunting clarified why City staff is moving forward with the zoning recommendation. All of Fort Monroe is currently zoned R-13 due to underlying zoning in Hampton. Because the City wants to protect the Wherry Quarter area, as well as other parts of Fort Monroe, it is important to provide a zoning classification that does not leave all of Fort Monroe R-13. The City has been asked why it is not waiting for Governor McAuliffe's efforts, but the issue is that the area is already zoned for residential.

Ms. Bunting noted that Wherry Quarter means different things to different people. She believes many people agree that from Fenwick Road to the Bay is what needs to be protected. The residential that is allowed, which requires a Use Permit, is in the area from Patch Road to the Mill Creek area. Council and staff worked to find where residential could be added appropriately, if any is ever added. She reiterated that all of Fort Monroe is zoned for residential and this will allow the City to more appropriately zone areas for the future.

Vice Mayor Curtis noted that the Citizens' Unity Commission gives out awards to those who make significant contributions to diversity and cooperation in Hampton, and last year Ms. Betty Smith was honored. She was a dance teacher at the King Street Community Center.

Vice Mayor Curtis also shared the stories of Mr. Christian Samir Graves and Dr. Katherine Johnson. Six-Year-Old Mr. Graves wrote a book when he was five years old and homeless entitled Being 5. The book was written to cheer

up his family and has been published. Dr. Katherine Johnson is a former National Aeronautics and Space Administration (NASA) mathematician who broke gender and race barriers. She and her former coworkers' stories will be shared in an upcoming movie based on a book entitled Hidden Figures.

ADJOURNMENT

The meeting adjourned at 7:17 p.m.

George E. Wallace
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____