



# 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, October 9, 2019**

**1:00 PM**

**Council Chambers**

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### CALL TO ORDER

Mayor Tuck called the meeting to order at 1p.m. with all members of the City Council present. Brian DeProfio, Assistant City Manager, was seated for the City Manager, Mary Bunting, who was traveling. Tammy Lee, Deputy Clerk of Council, was seated for the Clerk of Council, Katherine Glass, who was traveling.

**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

### AGENDA

1. [19-0213](#) Strategic Priorities: Briefing on Educated and Engaged Citizens

Attachments: [Presentation](#)

Mayor Tuck provided opening remarks and welcomed Hampton City Schools Superintendent, Dr. Jeffery Smith, and members of the Hampton School Board who were in attendance. Members present include: Chair Ann Stephens Cherry; Vice Chair Joe Kilgore; and Board Members Phyllis Taylor Henry, Dr. Richard Mason, Jason Samuels, and Dr. Reginald Woodhouse. Chief Operations Officer, Dr. Daniel Bowling, was also in attendance.

Mayor Tuck announced that for the first time in our City's history, our schools are

100% accredited with no conditions; our on-time graduation rate is above the State average for the third consecutive year; and our dropout rate is considerably below the State average. Mayor Tuck congratulated and applauded everyone involved in attaining these accomplishments.

Assistant City Manager Brian DeProfio introduced the item.

Dr. Jeffrey Smith greeted those on the dais and spoke about plans for continuous improvement for Hampton City Schools (HCS). He shared that the Superintendent's focus/framework is composed of seven integral elements of teaching and learning that support the core principle of the HCS Strategic Plan of maximizing every child's learning so that they will be college, career and life ready. The elements include: a systems approach (aligned acts of improvement rather than random acts of improvement); a guaranteed and viable curriculum; lesson design and delivery; authentic assessments (assessed curriculum); a safe and nurturing environment; data driven decision making; and 21st century learning (tools to engage learners).

Dr. Smith described the "portrait of a Hampton graduate". The goal is for HCS graduates to have obtained content and knowledge; career and life skills; communication, collaboration and leadership skills; and a positive sense of self and purpose to help assure that they are ready for life.

Dr. Smith spoke about the multi-tiered system of support. This system includes three tiers of opportunities (core, targeted and intensive) in areas of academics and climate/culture for students. He also listed resources, benefits and accomplishments associated with each tier.

Dr. Smith echoed Mayor Tuck's comments and announced the following HCS achievements: the accreditation status for HCS without conditions is 100%; HCS on-time graduation rate is 92.7%; and HCS dropout rate is 1.26%. He noted that these figures have drastically improved over the years especially when compared to the figures from 2008. Dr. Smith also shared additional HCS celebrations and credentials and emphasized that the process and manner in which we achieved these goals is just as important as the product and end result.

Dr. Smith said that he is honored to be the Superintendent of HCS and to work with an outstanding City Council, School Board and staff.

Dr. Smith introduced Chief Operations Officer Dr. Daniel Bowling to provide an overview of how tax payer dollars are being utilized for the enhancement of school facilities.

Dr. Bowling greeted those on the dais and emphasized that the goal is to support the

work being done in our education program by enhancing our school facilities and improving the climate and culture in an attempt to attract students and retain talented teachers and staff.

Dr. Bowling spoke about renovations and transformations that have been made to HCS learning environments (buildings). They include: renovation of 20 restrooms; roof replacements; upgrades to HVAC systems; remodeling of and improvements to several cafeterias; drastic improvements to Lindsay Middle School (windows, landscaping and painting); landscaping improvements; ceiling and light replacements; flooring; and remodeling of high school gymnasiums.

Mayor Tuck complimented Dr. Bowling on giving an impressive presentation; asked for an update on the HCS 5-year Capital Improvement Plan (CIP); and inquired about potential short-term improvements which may be done to the outward appearance of our schools.

Dr. Smith announced that work is underway with the City Manager, members of HCS and others in the City to take a holistic view of our schools and rate projects based upon a specific criteria (such as safety) - this information will be used to identify whether projects are to be considered high, medium or low priority over a 5-year period. He noted that this work is being done through the 5-year Plan which is a work in progress and near completion.

Dr. Bowling reminded everyone that all things associated with building maintenance have a life-span; therefore, as systems and equipment age, it is important to remember the increasing costs associated with repair and replacement. He noted that everything possible is being done to keep our schools looking nice and appealing.

Dr. Smith added that as with academics, our aesthetics and the 5-year CIP are also based upon the three tiers and specific needs.

Councilman Brown commented that he is proud to be a Hamptonian and a Councilmember during a time when our schools are doing so well. He also shared that some time ago, a realtor told him that people take into account housing, crime and schools when considering moving to Hampton. He continued explaining that years ago, people were reluctant to come to Hampton due to the low accreditation; however, we now have the potential to bring more people to Hampton due to the phenomenal improvements made over the past 5 years with the work of Dr. Smith and others. Councilman Brown thanked everyone for their hard work.

In response to Councilman Brown, Dr. Bowling said that approximately \$5 million is spent each year on CIP projects. He also confirmed that these projects include light and sound system replacements and repairs in our gymnasiums.

School Board Chair Mrs. Ann Stephens Cherry greeted those on the dais, City staff and those in the community and then gave remarks. She also thanked Council for supporting HCS and the accomplishments they have made.

Mayor Tuck expressed how proud Council is of our school system and everyone associated with it. He assured everyone that Council will do everything in its power to ensure HCS has the financial resources needed to continue this level of excellence.

On behalf of City staff, Mr. DeProfio stated that staff is also proud of our schools and the relationship we have with Dr. Smith, the School Board and staff. He emphasized that not only are we proud of our accomplishments, but also of the working partnership between the two entities.

Dr. Smith echoed Mr. DeProfio's comments and thanked City staff for their work and the excellent working relationship they have.

2. [19-0293](#) City of Hampton, Virginia's 2020 General Assembly Priorities Discussion

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

Mr. DeProfio reminded everyone that each year, the City develops a legislative package which includes the legislative priorities desired to be advanced in the upcoming General Assembly Session.

Mr. DeProfio introduced Ms. C. J. Stolle, the City's legislative consultant of Two Capitols Consulting, to lead the discussion on Council's priorities for the upcoming 2020 General Assembly Session. He also noted that Ms. Stolle will use today's feedback to develop the draft legislative package to be presented to Council on October 23rd and scheduled to be adopted on November 13th.

Ms. Stolle greeted those on the dais and provided an overview of Hampton's 2019 Legislative successes.

Ms. Stolle spoke about Two Capitols Consulting Legislative Agenda planning for 2020. Meetings were held with City Council, the City Manager, the City Attorney, department and agency heads, coalition groups, and stakeholders in an attempt to build a comprehensive legislative package (agenda).

Ms. Stolle noted that the purpose for today's discussion is to review the upcoming priorities and determine where those priorities rank.

Ms. Stolle listed the areas for continued work in 2020 (priorities that were not passed in the General Assembly last year). They include: create an annual fund to address

needs to Virginia's military and Federal facilities; clarify language regarding the parking of overweight vehicles; support and fund education initiatives; provide for local ability to maintain appearance of certain properties (overgrown shrubs and trees); continue to fund resiliency efforts; modernize the Communications Sales and Use Tax; and increase funding for transportation including public transit.

Ms. Stolle opened the floor for discussion regarding the listed areas of continued work. There was no discussion.

Ms. Stolle listed additional potential topics (priorities) for consideration which were derived from the Virginia Municipal League (VML), Virginia First Cities and an assessment from the consultant. The topics include: State assistance to local police departments (HB 599); affordable housing solutions; Equal Rights Amendment; distracted driving; appealing property assessments; peer-to-peer Carsharing apps; Gaming (Casino, Games of Skill, iLottery); bi-annual budget; gun violence/local control; and re-districting.

In reference to the State assistance to local police departments (HB 599) topic, Mr. DeProfio explained that when the State took away local cities' ability to consolidate, the State committed to providing additional funding for local police; however, they have underfunded their commitment resulting in an accumulation of underfunding over the years.

Mayor Tuck reminded everyone that today's objective is to discuss the desired priorities expressed during the individual meetings and to express whether or not those priorities are worthy of being included in the package.

Mayor Tuck asked whether appealing property assessments is a concern for us in Hampton.

Ms. Stolle explained that there were several high profile cases regarding appealing property assessments this year such as one regarding golf courses in Northern Virginia where they were unhappy with the assessments; and, therefore, went to the legislature requesting legislation overriding the existing process to appeal it through the legal system. She noted that this bill did not go anywhere, but would have set a precedent and that is why it was a concern listed on VML priorities.

In response to Councilman Brown, Ms. Stolle stated that there have been instances in which a regional approach was taken due to overarching themes among various localities. For example, the annual fund to address needs of Virginia's Military and Federal facilities, overgrown shrubs and trees, and funding for public transit.

With regards to overgrown shrubs and trees, Vice Mayor Gray suggested we attempt to obtain the ability to regulate properties with poor appearances (for example with storage of junk items in front of homes and peeling paint) first in rental inspection districts (where we are attempting to restore values) and later expand regulations to other areas of the City. He noted that this issue has not been acceptable at the General Assembly thus far, and perhaps this would be a more acceptable approach.

Councilwoman Snead suggested that an urban communities' approach may be accepted better at the General Assembly level since not all localities have rental inspection programs.

Ms. Stolle commented that it is a good idea to present multiple options as both of these options provide cover for the legislators to decide what is appropriate for cities to maintain.

Councilwoman Snead noted that she ran the idea by Delegate Jeion Ward who agreed to carry the bill and include the urban piece.

Ms. Stolle spoke about the potential priorities of Equal Rights Amendment and distracted driving.

Discussion took place among those on the dais and Ms. Stolle regarding the distracted driving topic. Councilman Hobbs expressed concern that this topic needs more attention. Ms. Stolle noted that the problem lies with the Police being able to prove violations. Councilwoman Curtis commented that Hampton prepared its own Ordinance due to the severity of this problem and she would have no problem supporting reasonable, enforceable distracted driving legislation. Mayor Tuck said he believes this would show that our community believes in the safety of our drivers; however, it appears to be feel-good legislation which may not have an impact. Mayor Tuck also said in his opinion, this should be Statewide legislation. Ms. Stolle concluded that there could be a policy statement in the draft regarding Council's support to reduce/curb phone usage while driving (this could potentially be modeled after Hampton's existing ordinance).

Ms. Stolle spoke about the potential priorities of appealing property assessments and peer-to-peer Carsharing Apps.

Discussion took place among those on the dais and Ms. Stolle regarding the peer-to-peer Carsharing App. In response to Councilman Brown, Ms. Stolle explained that the peer-to-peer Carsharing App allows people to use other people's vehicles. Councilwoman Snead added that the process is similar to Air B&B's but is

renting personal cars via an app. Councilwoman Curtis expressed concern that the downside of this process is that it bypasses taxes. Councilwoman Snead said that representatives from the car rental business attended VML and encouraged officials to require payment of taxes (if localities choose to agree with Carsharing). Councilwoman Curtis shared that the General Assembly determined protections for consumers regarding the taxi and Uber situation similar to this situation - this eased concerns expressed by those in the taxi industry. Councilwoman Curtis suggested that people from all sides work together on the issue to ensure all ends are covered. Ms. Stolle added that there are many concerns including insurance and registration; therefore, she will keep this issue on the radar as the item comes up during the session.

Councilwoman Snead referred back to the State assistance to local police departments (HB 599) topic and asked whether we are suggesting this become part of our legislative package or policy. Ms. Stolle said discussion took place; however, she is uncertain whether a final decision was made. Councilwoman Snead emphasized the importance of strong language being included in the legislative package regarding this topic, specifically the State making the City whole regarding HB 599. Ms. Stolle noted many Councilmembers nodded indicating consensus.

Ms. Stolle spoke about the potential priority of Gaming.

Discussion took place among those on the dais and Ms. Stolle regarding Gaming. Councilwoman Curtis suggested Hampton be included in the legislation because the General Assembly requires localities to express interest prior to consideration and the ability to move forward. Councilwoman Snead agreed with Councilwoman Curtis and suggested Hampton also prepare its own economic impact study. Vice Mayor Gray agreed with Councilwomen Curtis and Snead and added that Hampton should be considered for this type of entertainment if it is determined that it is a right fit for us. Councilman Hobbs agreed with everyone's comments and suggested we move forward with making a decision once more information is received. Councilwoman Snead and Vice Mayor Gray raised consciousness about taxation on "games of skill" in convenience stores, one of the topics at VML.

Ms. Stolle spoke about the potential priorities of a bi-annual budget and gun violence.

Ms. Stolle stated that gun violence, local control and reporting of lost or stolen firearms were topics of great concern during the individual meetings. She explained that there was an effort for this topic to be brought forth during the special session of the General Assembly. The Crime Commission will review these bills and present its findings on November 12th.

Discussion took place among those on the dais and Ms. Stolle regarding gun violence and local control. Mayor Tuck spoke about gun violence in our community and said he believes the requirement to report lost or stolen guns is reasonable. Councilwoman Curtis reminded everyone that the General Assembly has been opposed to allowing localities to control firearms in public places; however, in her opinion, we should press for local ability to prohibit firearms under specific circumstances and/or places, for example, the International Children's Festival. Ms. Stolle shared some information about gun legislation and control bills. Vice Mayor Gray reminded everyone about the recent shooting at Buckroe Beach in which a seven year old was shot and agreed with Councilwoman Curtis regarding control over weapons at various places in the City, especially where children are. Councilwoman Snead agreed with Councilwoman Curtis and Vice Mayor Gray and added that in her opinion, this control is more important than the piece about reporting lost or stolen weapons. Ms. Stolle noted that there seems to be consensus regarding this topic; and, therefore, she will develop a statement along those lines.

Ms. Stolle briefly spoke about the last potential priority, re-districting.

Ms. Stolle listed partner priorities. They include: the Hampton Roads Planning District Commission, the Hampton Roads Transportation Planning Organization, the Hampton Roads Transportation District Commission, the Virginia Municipal League, the Virginia First Cities, Hampton University, the Hampton-Newport News Community Services Board, the Hampton Roads Regional Jail and the Fort Monroe Authority.

Councilwoman Brown expressed support for funding of technology and higher education initiatives. She also emphasized that she would like for us to focus on the resiliency effort and funding that State Senator Lynwood Lewis has worked to address regarding flooding and other problems that we face with sea level rise in Hampton.

Ms. Stolle shared the 2020 Legislative Agenda timeline.

Mayor Tuck opened the floor for questions and comments from those on the dais. No additional questions or comments were posed.

Mr. DeProfio thanked Council for providing feedback on this legislative item and reiterated that this feedback will be incorporated in a legislative package which will be brought before Council at the next meeting for additional feedback prior to adoption on November 13th.

Presented by C. J. Stolle, Vice President of Two Capitols  
Consulting.



**3. [19-0301](#) Briefing on Motorized Scooters**

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

Mr. DeProfio reminded everyone that this item is regarding motorized scooter rental businesses in the City. He explained that last year, the General Assembly enacted legislation requiring localities to address how they would regulate motorized scooter rental businesses that may want to operate in the City. He continued explaining that if action is not taken by the end of the calendar year, we would be prohibited from doing so in the future. He noted that today's goal is to receive direction on staff's recommendation so that Council can take action prior to the end of the year.

Deputy City Attorney Bonnie Brown shared information about how scooters work and elaborated on changes to the State Law (2019). She explained that comprehensive E-Scooter legislation was passed in 2019 (House Bill 2752) providing a definition of what scooters are; new safety and operational rules (effective July 1, 2019); and new authority for localities to regulate E-Scooters.

Ms. Brown shared additional information regarding scooter parking rules and the technology which gives the ability to control scooter operation.

Ms. Brown provided information about various Virginia localities experiences with scooters (Alexandria, Charlottesville, Norfolk and Virginia Beach) including information about revenue structure for each locality.

Ms. Brown listed potential benefits and challenges associated with scooters. Potential benefits include: mobility enhancement; opportunity to engage in evolving transportation trends; attractive to tourists, college students, and those who want an alternative to a car; and potential dedicated revenue source for bike and pedestrian improvements. Potential challenges include: aesthetics; potential for accidents; increase in enforcement demands; and resources to administer.

Ms. Brown explained staff's recommendation. Staff recommends the City enact an ordinance requiring a license to operate prior to January 1, 2020. That license should require an approved franchise agreement with the City allowing companies to park their vehicles in public rights-of-way. Through that franchise agreement, the City could negotiate fees, geofencing, insurance, speed limits, and data-sharing. The City could decide to use the Request for Proposal (RFP) process to invite scooter companies to apply for a license and/or begin a pilot program at any time.

Ms. Brown opened the floor for questions and comments from those on the dais.

Councilwoman Curtis suggested that we do not mirror Virginia Beach's process as

they have no agreement, control or revenue. She agreed with staff's recommendation, and added that we should include geofencing in our agreement. She stated that this may provide an opportunity to address citizen concerns including the need to improve the City's transportation problem of limited access to attractive areas such as Fort Monroe, Phoebus and Buckroe. She also noted that we have the advantage of learning from other localities' experiences.

Mayor Tuck shared the following information from the VML presentation on scooters. Sidewalk driving should not be allowed; helmets are not required under the State statute; however, VML suggests the use of helmets to avoid head injuries; the same laws which apply to bikes and cars should be applied to scooters; and localities have the ability to put a cap on the number of scooters and operators in the City. Mayor Tuck suggested that Council align these ideas with today's presentation and staff's recommendation.

In response to Vice Mayor Gray, Ms. Brown noted that specific details (such as license agreement, fees, and the cap on the number of scooters, etc.) can either be finalized in the initial ordinance or after the pilot program is complete.

City Attorney Cheran Ivery noted that staff will prepare the Ordinance for Council's consideration by the November Council meeting.

Councilman Hobbs expressed concern about the City's liability in the event of an accident.

Ms. Brown explained that most localities that have agreements with scooter companies require companies to be insured and indemnify the City for any claims. Hampton would follow that practice.

In response to Councilman Brown, Ms. Brown clarified that State law requires riders to be age 14; however, most scooter company phone applications require the individual to be age 18 to ride unless supervised by a parent.

Presented by Bonnie Brown, Deputy City Attorney.

## **REGIONAL ISSUES**

There were no regional issues.

## **NEW BUSINESS**

There were no items of new business.

## **CLOSED SESSION**

There were no closed session items.

**CERTIFICATION**

**ADJOURNMENT**

The meeting adjourned at 3:11 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 \_\_\_\_\_