



# City of Hampton

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://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*

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**Wednesday, August 10, 2016**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:41 p.m. All members of the City Council were present except for Councilwoman Snead who had a previous commitment.

**Present:** 6 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Mayor Donnie R. Tuck, Councilmember Will Moffett and Councilmember Teresa V. Schmidt

**Excused:** 1 - Councilmember Chris Snead

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilmember Jimmy Gray

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck recognized the Bay River Rumble 12 and Under Grey softball team whose home field is in Hampton. These young ladies recently returned from Buffalo, New York where they won the NSA World Series Championship for girls fast pitch softball. The ladies were photographed with members of Council and presented with City of Hampton backpack gifts.

Mayor Tuck recognized participants of the Six House Inc. English as a Second Language Program. Program Director Michelle Herman gave remarks. The group was photographed with members of Council and presented with City of Hampton

backpack gifts.

Mayor Tuck also recognized participants of the Stop & Pop Youth Sports Charities Inc. Stop & Pop Youth Sports Charities Inc. President Mr. Jamen Mainor gave remarks. The group was photographed with members of Council and presented with City of Hampton backpack gifts.

1. [16-0197](#) Motion to Deviate from the Order of Business Set Forth in § 2-43 of the city code

For the benefit of the public, Clerk of Council Katherine Glass announced that at the August 3, 2016 Council retreat, Council discussed how to best address the public comment period. She stated that there have been advocates and strong arguments for having it both before and after the normal business meeting. Council has tried both. She continued stating that during the retreat, Council brainstormed ways to increase accessibility and ensure that residents have the opportunity to speak before they take votes on public business. Council believes they have developed a solution that meets all the objectives.

The Clerk explained the plan and protocol developed by Council for the proposed changes to public comment. The plan is to continue to begin the evening meeting at 6:30 p.m. The order of business would be: roll call, invocation, pledge of allegiance, Mayor's comments, consent agenda, public hearing items, general public comment, general items not requiring public hearing, staff reports, miscellaneous new business and adjournment. The sign up for public hearings and general public comment will be at 6:00 p.m., a half hour prior to the start of the meeting, and the sign up will close at 6:45 p.m. The Clerk explained that this process will allow Council to honor those who are here for advertised public hearing items by hearing them first, and also will allow those who want to speak on general items or on an individual business item to do so before the end of the meeting. She continued explaining that this order of the agenda will also strike a balance between those who want an earlier and those who want later times. While the solution addresses many goals and concerns, Council also understands that any new process should be evaluated after a period of time. Accordingly, they plan to implement this process tonight by motion and vote and then evaluate it six months from now. The criteria used to evaluate it will be as follows: 1. Are more people speaking in the new time frame? 2. Are they speaking to later agenda items or in general? 3. What are the demographics of those speaking? For example, are there more seniors or more youth? Assuming the evaluation criteria supports the new process as being successful; Council will then make a permanent change which will require a Code Amendment.

The Clerk added that City Attorney Vanessa Valdejuli has advised Council that doing this by motion this evening for a six month period is legally permissible.

The Mayor and Clerk provided an overview of the Council's discussion of temporarily moving the time for public comment. This will be on a six month trial basis.

A motion was made by Vice Mayor Curtis, and seconded by Councilman Hobbs to approve the motion. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

## CONSENT AGENDA

Clerk of Council Katherine Glass read the protocol for the consent agenda.

Mayor Tuck noted that item 16-0272 has been pulled from the Consent Agenda to allow for a thorough explanation of the Virginia Homeless Solution Program.

Mayor Tuck also noted that Councilman Moffett has requested the deferral of item 16-0274.

## Approval of the Consent Agenda

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

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

2. [16-0185](#) Approval of the minutes from the special session (Retreat Part I) held on July 6, 2016, and the special session, work session, and legislative session of July 13, 2016.

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

3. [16-0265](#) Resolution to Appropriate the Additional Allocation From the Virginia Department of Transportation for the Fiscal Year 2017 Urban Maintenance Program

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

4. [16-0267](#) Resolution Approving the Transfer of \$217,458 from North King Street Phase 3 Bond Project to Buckroe Ave Reconstruction-Phase I Bond Project and \$142,500 from North King Street Phase 2 Bond Project to Newmarket Creek Trail Bond Project

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

5. [16-0269](#) Resolution Authorizing the Transfer from the City of Hampton to the Economic Development Authority of the City of Hampton Two Lots in the Shell Road Area: LRSNs: 13002595 and 13002596, also known as 700 Shell Road.

**Attachments:** [Deed of Gift Shell Road Parcels.pdf](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

6. [16-0271](#) Resolution Requesting the Virginia Department of Transportation (VDOT) to Program into the 6-Year Improvement Plan to Authorize the City Manager or her Designee to Execute Agreements and Appropriation of Funds for the Following Nine (9) Projects

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

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

7. [16-0272](#) Resolution Approving Participation in and Appropriation of the 2016-2017 Virginia Homelessness Solution Program (VHSP) Grant in the amount of \$1,039,438 through the Department of Housing and Community Development

**Attachments:** [VHSP grant agreement](#)

[HNNCSB](#)

[Transitions](#)

[Menchville](#)

[Link](#)

Clerk of Council Katherine Glass read the title for this item.

Human Services Director Wanda Rogers noted that she not only serves as the Human Services Director, but also as the representative for the City of Hampton on the Mayors and Chairs Commission on Homelessness; and, therefore she is familiar with what occurs not only in Hampton, but also in the region.

Ms. Rogers spoke about the Virginia Homeless Solutions Grant which will bring additional resources to the region. Hampton was awarded the grant in the amount of \$1,039,438, but will not be responsible for the match associated with it. She clarified that one of the other region participants including Newport News, Poquoson, James City County, York County, and Williamsburg will be responsible for the match required for this grant. She clarified that Hampton will be responsible for being the fiscal agent and the lead agency for the grant with the purpose of continuing to reduce homelessness in our area.

Ms. Rogers provided statistical information regarding homelessness in our region. There were 763 homeless individuals in our region in 2011; whereas, in 2016, there are 364 resulting in approximately 400 people and families that have been assisted. She emphasized that the goal is to make homelessness rare, brief, and non-recurring via resources we bring into the community.

Ms. Rogers provided information regarding homelessness in the City of Hampton. She explained that a point in time count is calculated every January to determine the number of unsheltered people in Hampton. This year, there were 16 unsheltered people in Hampton compared to 32 - 40 people in the prior year.

Ms. Rogers stated the services and opportunities this grant will allow us to offer include: (1) Shelter Operations. Hampton does not have a shelter, but partners with entities such as Hampton Roads Ecumenical Lodgings and Provisions, Inc. (H.E.L.P.) and Transitions to ensure people in need of shelter have that resource. (2) Rapid Re-housing. This program requires individuals to be homeless in order to be eligible for the program. The goal is to get these individuals back into housing in the shortest possible amount of time. (3) Funds for prevention. This provides rent assistance for individuals who are about to become homeless. (4) Intensive Case Management. Homeless services accompanied by case managers who follow up to ensure we are looking at more than just the individual's homeless needs.

Ms. Rogers spoke about the centralized coordinated assessment system housing hotline called the Homeless Management Information System (HMIS). She noted that Hampton was made eligible for this grant due to the coordinated effort in which we are providing services in this region. She added that individuals who reside in the previously stated participating localities may contact the hotline for a service assessment.

Ms. Rogers explained that staffing costs are associated with being the fiscal agent and the lead agency; therefore, the cost for the program manager and administration is also included in the grant. She noted that this is important because administration is the means by which we are getting the housing numbers reported on a regular basis into the information system.

For the benefit of all, Ms. Rogers provided the HMIS hotline number which is (757-587-4202). She emphasized that representatives at this number will be able to assess individual needs and determine the best plan to meet those needs.

Ms. Rogers opened the floor for questions from those on dais.

In response to Mayor Tuck, Ms. Rogers confirmed that the hotline number is available 24 hours a day, 7 days a week.

Mayor Tuck also inquired about help for those who call the hotline who are in need of services or shelter right away. Ms. Rogers explained that call recipients immediately assess the individual's need and the appropriate locality or entity will be contacted until a comprehensive plan can be developed. She emphasized that callers will receive immediate assistance.

This matter was removed from the consent agenda at the request of Councilman Moffett to allow Wanda Rogers, Director of Social Services, to provide additional information on this item.

Following Ms. Rogers' presentation, a motion was made by Councilman Moffett and seconded by Councilwoman Schmidt to approve the resolution. The motion passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

8. [16-0274](#) Resolution determining Alvean Lyons, Inc., to be the only source practicably available from which to procure the services of the families forward initiative for Hampton families and authorizing the negotiation and execution of a contract with Alvean Lyons, Inc., as a "Sole Source"

**Attachments:** [9/14/16 - UPDATE City Policy Relating to Sole Source Procurements Responses for Alvean Lyons 2016 and 2017.pdf](#)  
[9/14/16 - UPDATE FFI and HHF Report FY16 with Alvean Lyons Inc..pdf](#)  
[9/14/16 - UPDATE Responses to Alvean Lyons Inc. Sole Source Families Forward Initiative for Council.pdf](#)  
[8/10/16 - Resolution Determining Alvean Lyons, Inc.](#)  
[8/10/16 - Alvean Lyons Sole Source Memo](#)

Clerk of Council Katherine Glass read the title for this item.

Councilman Moffett noted that he requested the deferral because Council received the updated information on this item today and need time to digest it.

A motion was made by Councilmember Moffett, and seconded by Councilman Gray, that this matter be deferred to the City Council Legislative Session, due back on 9/14/2016. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

9. [16-0278](#) Resolution Approving a Variable Width Utility Easement to Virginia Electric and Power Company ("Dominion") Totaling 8,599 Square Feet, More or Less, Through City Properties Located At 9 Woodland Road (LRSN 12000817) and W. County Street (LRSN 12000815) for the Transmission and Distribution of

Electrical Power

Attachments: [Easement Agreement](#)  
[Aerial Photo](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

10. [16-0280](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016-2017 Virginia Domestic Violence Victim Fund Program through the Hampton Commonwealth's Attorney's Office from the Virginia Department of Criminal Justice Services

Attachments: [Grant Award Letter for 17-E2716DV17](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

11. [16-0282](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016-2017 Victim Witness Program Grant from the Virginia Department of Criminal Justice Services

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

12. [16-0289](#) Resolution Approving the Appropriation of Funds to the Capital Projects Fund for Pine Chapel Road Pedestrian/Bicycle Trail Project

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt



13. [16-0288](#) Resolution Renaming the Fulton Street Playground

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

14. [16-0284](#) Resolution Approving Fiscal Year 2016 Fourth Quarter Budget Adjustments

Attachments: [FY16 4th Qtr Budget Adjustments\\_Final 1](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

15. [16-0287](#) Resolution to Appropriate \$498,349 from Unassigned Fund Balance for the Peninsula Town Center CDA Payment

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

16. [16-0290](#) Resolution to Appropriate \$64,280 received from the National Flood Insurance Program's Grants Increased Cost of Compliance Insurance Program to the City of Hampton Grant Fund to Reimburse the City and Applicable Homeowners for Certain Eligible Expenses Related to the City's Participation in the Federal Emergency Management Agency's Severe Repetitive Loss Program

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

17. [16-0275](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 15, Food and Food Establishments, Section 15-1, Section 15-3, Section 15-21,

Section 15,26, Section 15-38, Section 15-40, Section 15-47, Section 15-50, Section 15-66, Section 15-66, Section 15-67, Section 15-74, Section 15-86, Section 15-87, Section 15-88, Section 15-96, Section 15-97, Section 15-98, Section 15-106, Section 15-107, Section 136, Section 137, Section 141 and Section 142, to make the Ordinance consistent with the current practices of the Health Department and to conform to state and federal law; the repeal of Section 15-4, Sections 15-22 - 15-25, Sections 15-27 - 15-37, Section 15-39, Sections 15-41 - 15-46, Section 15-48 - 15-49, Sections 15-51 - 15-56, Sections 15-68 - 15-73, Sections 15-108 - 15-118, Sections 15-138 -15-140 and Sections 15-143 - 15-173 to delete sections that are already covered by state law; and the renumbering of appropriate sections for efficiency.

Attachments: [redline15.pdf](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

18. [16-0277](#) Annual Review and Approval of the Hampton-Newport News Community Services Board FY 17 Performance Contract

Attachments: [Hampton-Newport News Community Services Board FY 17 Performance Contract](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

19. [16-0266](#) Motion to Accept a donation of K-9 protective vests valued in excess of \$8,500 to the Hampton Police Division from the Atlantic K-9 Vest Fund pursuant to city code section 2-134(a).

Attachments: [PO 8 from Atlantic K9 Vest Fund 6772.pdf](#)

Item approved.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

Clerk of Council Katherine Glass read the protocol for public hearings.

## Rezoning

20.     [16-0273](#)     Rezoning Application No. 16-00009 by the City of Hampton to amend the proffered conditions from Rezoning No 1260 to expand the redevelopment options for the 20+/- acre property which is located on the southwest corner of Coliseum Drive and Pine Chapel Road [LRSN #13002049]

Attachments:   [Application](#)  
                      [Staff Report](#)  
                      [Presentation](#)

Clerk of Council Katherine Glass read the title for this item.

Planning and Zoning Administration Manager Keith Cannady clarified that the proposed rezoning would amend the proffered conditions placed on the property with rezoning #1260 approved by City Council in October of 2007.

Mr. Cannady spoke about the locational advantages of making the site a significant development opportunity and a key component of the Crossroads Initiative in the revitalization of the Coliseum Central area. The Hampton Coliseum, the Hampton Roads Convention Center and the Embassy Suites Hotel are all located in close proximity to the site. The site also has good visibility from Interstate 64 and the off-ramp for northbound traffic exiting Interstate 664.

Mr. Cannady highlighted the milestones of the Crossroads Initiative and the background of the land use and zoning history of the site in year order: Crossroads Development (2002); Comprehensive Rezoning (2002); Coliseum Central Master Plan (2004); the Hampton Roads Convention Center (2005); Coliseum Drive Extension (2005); and the Embassy Suites Hotel (2005).

Mr. Cannady also listed additional milestones in the planning and development of this

initiative area as: Rezoning for the H2O development (2005 and 2007); Rezoning 1260 for the Hampton Place Project (October 2007), the subject of today's rezoning proposal; and, the recent update of the Coliseum Central Master Plan (November 2015). This brings us to the present date and places the subject property within the context of the ongoing efforts to redevelop the Crossroads area.

Mr. Cannady clarified that the subject site was rezoned in 2007 making the current zoning Conditional C-2 with specific conditions proffered for the Hampton Place re-development. He continued saying that at that time, the developer proposed a 2,000 seat live performance theater, a full service hotel, retail and office uses, and townhomes with a 2,200 space parking garage. He added that the project did not go forward; however, the proffered conditions still apply. Some of the project specific conditions include: a limited mix of uses, a conceptual site plan, and building materials.

Mr. Cannady announced that the site returned to City ownership in 2009 and the proffered conditions are a limiting factor on the redevelopment options for the site. The City is proposing to amend the conditions from Rezoning 1260 in order to remove the project specific conditions, expand development options available to the site, market the site to future prospects, and implement the Crossroads Initiative which began in 2002.

Mr. Cannady reminded everyone that other applicable adopted City policies include the Land Use Plan recommendation from the Hampton Community Plan which in the case of Coliseum Central calls for "mixed use". He added that the Coliseum Central Master Plan also recommends sports, tourism, hospitality uses, and park space for the subject site.

Mr. Cannady emphasized that the City is recommending that the existing conditions be amended, that the standard "boiler plate" conditions be retained, and that the list of permitted uses be amended so that it is consistent with adopted plans and policies.

Mr. Cannady closed stating staff and the Planning Commission recommend approval of the application with five conditions. He then opened the floor for questions from those on the dais.

#### **PUBLIC HEARING**

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

The item was presented by Keith Cannaday. There were no

speakers for the public hearing. A motion was made by Vice Mayor Curtis, and seconded by Councilwoman Schmidt, to approve this item with five (5) conditions. The motion passed as follows:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

## Use Permits

21. [16-0270](#) Use Permit Application No. 16-00006 by Hampton University to permit a private university use at 1414 N. Mallory Street [LRSN 12006101]

**Attachments:** [Conditions](#)  
[Application](#)  
[Chesapeake Bay Preservation District](#)  
[Staff Report](#)  
[Presentation - Staff](#)  
[Presentation - Applicant](#)  
[Planning Commission Resolution](#)

City Planner Lucy Stoll reminded everyone that this site was previously used as a Catholic Retreat Center which hosted overnight stays, conferences, and other events. The proposal is for the building to be used as an educational facility. She noted that the property is zoned R-M (multiple residents) which allows for private university use with approval of a use permit.

Ms. Stoll spoke about the overlay districts which affect the property: (1) The Chesapeake Bay Preservation District. She said there are potential wetlands on the site. Staff recommends a condition to minimize any impacts to sensitive areas from work done by Hampton University. (2) Flood Zone District.

Ms. Stoll stated the specific proposal for the Satellite education facility is for the building to include three main uses: educational space, residential apartments and dormitories for Hampton University students.

Ms. Stoll stated University staff and faculty, and a few members of the community attended the community meeting at the Center on July 28, 2016. She noted that the monitoring of the students living on-site was the primary concern expressed at the meeting, and there were no additional statements in favor or against the proposal.

Ms. Stoll stated staff and the Planning Commission recommend approval of the Use Permit Application with 8 conditions. She then opened the floor for questions from those on the dais. No questions were posed.

**PUBLIC HEARING:**

Mayor Tuck opened the Public Hearing.

Mr. Craig Miller, the applicant, greeted those on the dais and made the following statement: The University asked that I give you a quick explanation on how the site would be used. The majority of the use will be for educational purposes on the first floor. The presentation gives a deeper explanation on that use. The current smaller portion on the second floor has 4 two-bedroom apartments. We are actually putting a one-bedroom apartment on the ground floor that will be used for monitoring students. The monitoring will be done by a University staff person. There are about 40 rooms that exist that were used when the building was the retreat center; and, those are the accessory use that we are requesting for dorm use. The students (some) will be connected with the educational program, but also general students within the University. We are meeting the requirements that we had worked through with staff that ensure that all the requirements are there for the City Council.

Rev. Debra L. Haggins, greeted those on the dais and made the following statement: I serve as University Chaplin and Director of the Religious Studies Program at Hampton University. I am very excited about two things. I am very excited about the property at 1414 N. Mallory Street and I am also excited about the expansion of the Religious Studies Program.

A slide presentation was shown while Rev. Haggins continued her statement: The University Mission: we are a comprehensive institution of higher education dedicated to the promotion of learning, leadership, and service. The Religious Studies Program has been around since the year 2000. It is an outgrowth of the 87th Hampton University Ministers Conference. Our Program vision and goal are connected. Our vision is to serve traditional and non-traditional students to provide them with an accredited Theological education and to be sure that we serve our adults who are interested in Pastoral leadership. The clear mission is that there is a need for Theological education in this area. We have Richmond (which is pretty far away). We have Regent University which is on the other side of the water. A program like this would serve well in our area here in Hampton. I'm proud to say that we have had (since 2001) a Bachelor of Arts in Religious Studies at Hampton University. I am also pleased to say that we have added three programs: an additional undergraduate program and two masters programs (a Master of Divinity and a Master of Arts Program). Both of those programs are pending our

accreditation association's approval. Everything has been approved. We have one more thing that we are looking forward to and hopefully, we will be starting very soon. The Associates of Arts has already been approved and is ready to go.

Rev. Haggins continued her statement: The retreat center is perfect for the expansion of the Religious Studies Program. One of the qualifications and one of the curricula criteria is that we provide opportunities for spiritual formation. The Catholic Retreat is designed for that. Most of the institutions that offer courses of study in Theology and Religion are offered in a Chapel-type setting. There is a wonderful chapel there. It's a great facility. It's on the water and will provide many opportunities for us to provide spiritual formation and activities for our students. We will have classes that range between 15 (on a low) and 25 (on a high). The retreat center is perfect for that.

Rev. Haggins continued her statement: We were very pleased to receive a grant from the Lilly Foundation to set up a Theology Institute for high school youth. The first one will be set up in the summer of 2017. It is called the Head, Heart, and Hand Initiative. We are connecting with the seven cities of Hampton Roads and we will be working with students who are high school age from 9th grade through 12th grade who are interested in a career in Pastoral Ministry. Emory University, Duke University and a few other universities were very fortunate to get this grant and so were we.

Rev. Haggins noted that the final slide displayed some of the activities that the students will be participating in with the Theology Grant and with the Religious Studies Program.

Mayor Tuck closed the Public Hearing and called for a motion.

The item was presented by Lucy Stoll.

There were two speakers for the public hearing. Craig Miller was the architect on the project who spoke on how the property will be used. Rev. Debra L. Haggins, the University Chaplain and Director of Religious Studies at Hampton University, also spoke in support on the use permit.

A motion was made by Councilman Moffett, and seconded by Councilman Hobbs, to approve this item with eight (8) conditions. The motion passed as follows:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

## Ordinances

## Resolutions

22. [16-0276](#) Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Permanent and Temporary Easement Takes (Or Possible Fee Takes), Pursuant to § 25.1-100, Et Seq. of the Code of Virginia of 1950, as Amended, From Portions of Two Parcels - N. Armistead Avenue (LRSN 13002792) and 101 Marsh Loop (LRSN 13002788) - From Trail Creek Community, LLC for the Central Park Trail (Formerly Newmarket Creek Trail) Project

**Attachments:** [Coliseum Trail Condemnation Exhibit.pdf](#)  
[Presentation](#)

Public Works Real Estate Manager Danielle Fowler clarified that the location is at the Central Park Trail, formerly known as the New Market Creek Trail.

Ms. Fowler stated staff is requesting that we approve the condemnation of portions of the following properties: N. Armistead Avenue (LRSN 13002792) and 101 Marsh Loop (LRSN 13002788). She then opened the floor for questions from those on the dais.

For the benefit of the public, Ms. Bunting added that we continue our negotiation attempts with property owners because it involves the Virginia Department of Transportation (VDOT) project funding and we are under certain timetables required by VDOT. She stated that many times, we are successful and don't move to condemnation; however, this action is recommended in order to keep VDOT satisfied that we are progressing with the use of their funds.

## PUBLIC HEARING

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

The item was presented by Danielle Fowler. There were no



speakers for the public hearing. A motion was made by Vice Mayor Curtis, and seconded by Councilman Hobbs, to approve this item. The motion passed as follows:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

23. [16-0279](#) Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Permanent Drainage Easements, Pursuant to § 25.1-100, Et Seq. of the Code of Virginia of 1950, as Amended, From Portions of 51 Mary Peake Boulevard (LRSN 3004056), 53 Mary Peake Boulevard (LRSN 3004057), and 73 Mary Peake Boulevard (LRSN 3004084) for the Mary Peake Drainage Project

**Attachments:** [51 Mary Peake Exhibit.pdf](#)  
[53 Mary Peake Exhibit.pdf](#)  
[73 Mary Peake Exhibit.pdf](#)  
[Presentation](#)

Public Works Real Estate Manager Ayanna Williams explained that the Mary Peake and Aberdeen Gardens areas were part of the 2012 watershed study. It was determined that the existing ditch was undersized. The proposal is to expand the ditch to accommodate the entire drainage basin. The project will also increase the capacity of the ditch, remove some of the silt, widen the bottom, flatten the slopes, and remove some of the trees and roots that are currently impeding the drainage. Ms. Williams noted that a permanent grass access drive will also be added on the east side of the ditch for easy access to the area for maintenance.

Ms. Williams continued stating that it was determined that we needed 24 easements in order to accomplish this goal. She clarified that we have closed on 21 easements and the remaining three are the ones we are requesting condemnation authority over: 51 Mary Peake Boulevard (2,250 square feet), 53 Mary Peake Boulevard (2,250 square feet) and 73 Mary Peake Boulevard (1,951 square feet). She noted that of the three remaining, we have one signed agreement (with some closing technicalities) and will continue to negotiate with the three owners until construction.

Ms. Williams reviewed the project schedule and opened the floor for questions from those on the dais. She noted that Project Engineer Rob Gurley was present to answer technical questions if needed.

Mayor Tuck expressed concern that the Council package shows the parcels at 51,

58, and 73 Mary Peake Boulevard. Ms. Williams clarified that they should be 51, 53 and 73 Mary Peake Boulevard.

Ms. Williams confirmed that the LRSN numbers are listed correctly. City Attorney Vanessa Valldejuli stated it is acceptable as long as the LRSN numbers are correct.

**PUBLIC HEARING:**

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

The item was presented by Ayanna Williams. There were no speakers for the public hearing. A motion was made by Vice Mayor Curtis, and seconded by Councilman Hobbs, to approve this item. The motion passed as follows:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

**GENERAL ITEMS**

**Ordinances**

**Resolutions**

**Appointments**

At the Mayor's request, Clerk of Council Katherine Glass summarized Council's discussion at a recent retreat regarding the Boards and Commissions appointment processes and proposed changes.

**APPLICATION PROCESS**

Citizens who are interested in service on Boards, Commissions and Committees are expected to apply online. Citizens without online access may come to City Hall or call the Clerk's office for assistance. The City Council is interested in ensuring our Boards reflect our community's rich diversity; therefore, applicants must respond to demographic questions such as age, gender, and race. The Clerk of Council's Office will provide to Council a copy of all applicants' information as well as current composition of Boards in advance of Council consideration of appointments.

## BOARD APPOINTMENTS, TERMS, EXPECTATIONS, ETC.

Citizens may serve on up to two boards on a case by case basis. Generally speaking, citizens will be able to serve on only one board at a time. Examples of where two appointments may be warranted include: one appointment is to a board that has limited or only as required meetings (ex. once or twice a year meetings) and there is an inability to recruit people with necessary skill sets/vocations/etc. when an appointment requires such. In the event that a resident is appointed to more than one Board as a result of the above, he/she shall not serve in a leadership position (chair, co-chair, vice chair) for more than one Board. Generally speaking, appointments will be for one term. Exceptions may occasionally be in order. Exceptions are intended to be rare. Examples of where such exceptions may be warranted include the need for continuity of knowledge when a particular issue is at hand and an inability to recruit people with necessary skill sets/vocations/etc. when an appointment requires such. A list of board member expectations will be developed and provided to all board members. There will be both general expectations of all board members (such as attendance, compliance with legal & regulatory guidelines, avoidance of conflict of interest, adherence to confidentiality, etc.) and expectations for the specific body that relate to its duties (such as participation in training specific to the board). These will be communicated on the website, on the application and with the appointment letter. Members can be removed from the body for not adhering to expectations. Staff is expected to communicate to Council when board members do not adhere to expectations such as a failure to attend meetings.

## COUNCIL SELECTION PRACTICES

Council will continue to have appointment discussions in closed session. Council may choose to conduct interviews for appointments for certain boards that have access to confidential information and/or with regulatory, financial, land use and/or authorities. Recommendations for appointments from staff or existing board members will be considered, but these are advisory in nature and Council is not bound to appoint recommended residents.

## IMPLEMENTATION OF NEW PRACTICES

Council will begin the use of these practices at its September Council meeting. Most of the appointments scheduled for the August meeting will be deferred. Staff will review the new approach for the public at the meeting and announce the procedures for applying in the event additional residents wish to make an interest known for upcoming board appointments.

At the Mayor's request, the Clerk summarized Council's recent

discussion regarding their appointment processes and proposed changes.

24. [16-0138](#)

Consideration of appointments to the Parks and Recreation Advisory Board

Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

25. [16-0200](#)

Consideration of appointments to the Purchasing and Procurement Oversight Committee

Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

26. [16-0201](#)

Consideration of appointments to the Hampton Economic Development Authority

Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

27. [16-0205](#)

Consideration of appointments to the Hampton Redevelopment & Housing Authority Citizen Board

Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

28. [16-0208](#) Consideration of appointments to the Hampton Parking Authority
- Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

29. [16-0211](#) Consideration of appointments to the Board of Review of Real Estate Assessments
- Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

30. [16-0215](#) Consideration of appointments to the Hampton-Newport News Community Service Board
- Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing and upon the request of the Board to allow time to review potential appointees, this appointment is being deferred until October. A motion to defer was made by Vice Mayor Curtis and seconded by

Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

31. [16-0222](#) Consideration of appointments to the Peninsula Stadium Authority

Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

32. [16-0223](#) Consideration of appointments to the Wetlands Board

Council is in the process of reviewing its practices with respect to appointments. As this discussion is ongoing, this appointment is being deferred until September. A motion to defer was made by Vice Mayor Curtis and seconded by Councilman Hobbs and passed on the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

33. [16-0285](#) Consideration of an appointment to Hampton Employees Retirement System Board (HERS)

Appointed Dr. Martha Milo-Avery in the place of Mrs. Sue Ange as the School Retiree Representative on the Hampton Employee Retirement System Board (HERS) beginning May, 2016 and ending in April, 2018.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

34. [16-0286](#) Consideration of an appointment to Cultural Alliance of Greater

Hampton Roads

Appointed Thomas Cagley in the place of Councilwoman Teresa Schmidt on the Cultural Alliance of Hampton Roads to serve until June 30, 2018.

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Mayor Tuck, Councilmember Moffett and Councilmember Schmidt

**REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

**MISCELLANEOUS NEW BUSINESS**

Mayor Tuck shared that the U.S. Army Black Aviators recently visited Hampton and were very impressed with several aspects of the Hampton community. He also shared his experiences from last week's Hampton Cup Regatta.

Vice Mayor Curtis sent special wishes to Hampton native and current resident, Francena McCoury, for great success in the current Olympics.

She also shared a story involving Fire Capt. Evans and his crew, who recently responded to an auto accident where one of the drivers needed to be transported to the hospital but had a car full of frozen/perishable food he was delivering to his disabled sister a few miles down the road. After the scene was secured and the patient transported, the crew of Engine 6 decided to gather the food and ensure it was delivered to his sister.

Mayor Tuck also gave a shout out to Michael Karlik of councilchronicles.com who visited Hampton on Monday to learn more about our city government and who is watching via our on-line stream tonight.

**PUBLIC COMMENT**

In an attempt to save time, Mayor Tuck reminded speakers to alternate between the podium and the free-standing microphone as they come forward to speak.

Ms. Regina Quinn greeted those on the dais and made the following statement:

There are so many wonderful and important things that are talked about at City Council meetings and I just want to implore you to realize that what I have to talk about is extremely important to me and hopefully to some other people in the community as well as City Council.

Ms. Quinn provided Council with a packet of information and continued her statement: This is a packet that me and some fellow advocates created. I know it is very hard for you to be out in the community in the neighborhoods as I am, but I am here to speak for the animals in Hampton (and animal welfare). The cover of this packet shows: "Please meet Rex". He is a dog that we just pulled off of a back yard on Smiley Road. This dog has been living in these harsh conditions for up to three years. The concerning thing about this is that Animal Control had been to this address 14 times since January. I know that adequate shelter is considered a Virginia State Provision, but if you look at this dog's shelter, you can see in the background, this is what the dog has been living in for three years. This is not adequate shelter. This dog was very ill. The second page is an email that I had sent yesterday to Ms. Bunting, Linda Seely (who is a fellow animal advocate) and Angie Taylor, Supervisor of Animal Control. I included a copy of that email (which you may have already gotten) for you to read. It has all the details of Rex. Not only just Rex, but it also has details of two other dogs. The other pictures on the other pages are of two other dogs, a Bassett hound and a Beagle that were residing on Woodcrest Drive. In the past month, in July, me and some fellow advocates were able to take these dogs out of the situation, and get them into rescue. Their health was extremely bad. They had heartworm, hookworm, malnutrition, bones sticking out, pale gums. I have documented pictures, all of which are here for you to see the obvious ill-health of these dogs. The last pages are the actual vet records for Rex that were established two days after Animal Control had been out to this address. The Hampton Police Division is here to protect the citizens in the community. Animal Control is here to protect the animals. My concern is despite all of the visits to these homes, the dogs continued to stay in these conditions. What they have in common (which is very interesting) is none of them had licensing or rabies after two years. I'm here to ask you to please investigate this further.

Mayor Tuck thanked Ms. Quinn for attending the meeting. He stated he believes everyone on the dais received the email Ms. Quinn referenced and it is his understanding that Ms. Quinn has had a conversation with City Manager Mary Bunting.

Ms. Bunting said the information Ms. Quinn provided has been forwarded to Police Chief Terry Sult and Assistant City Manager Steve Bond for investigation. Ms. Bunting assured everyone that she will provide an update to Council and the public after Internal Affairs (IA) has completed its full investigation and provides her with



the summary report.

Mr. Eddie Deerfield greeted those on the dais and made the following statement: First off, I want to congratulate Mayor Tuck on his successful election and to those Councilmembers who were re-elected and Mr. Jimmy Gray on his election to Council. As citizens, we are looking for this Council to listen to your constituents and be more kind to them. I read where the Council is having a trial basis of putting the citizen speakers to the middle of the meeting. This is a good start, but I feel these speakers should be heard at the beginning of the meeting to share their views on what is in the agenda. Also, as citizens of Hampton, they should be allowed five minutes to speak because at times, you have got more to say and three minutes is not enough.

Mr. Deerfield continued his statement on a different topic: I want to talk about a Department in the City that is saving a lot of money for the taxpayers each year. I think they need to be commended for it. The City Attorney's Office. This year, they have saved \$3,913,180 in legal fees because they do almost all work in-house now. Last year, \$2,189,901. I think this is wonderful for the taxpayers of Hampton. What a difference from past practice. It is a shame that these attorneys only make \$65 an hour and the paralegals only make \$25 an hour. The outside legal attorneys that we used to have got paid \$294 an hour and her paralegals made \$127 an hour. This is a terrible discrepancy in pay and I feel that they should make at least \$85 an hour and the paralegals \$40 an hour. This would still only be a drop in the bucket compared to what the City pays outside Counsel. I do not think this is asking too much before these people start leaving. Obviously, they are very dedicated to what they do and they are all assets to our City. I believe Ms. Valdejuli is doing a magnificent job as the leader. Please enter this into the record in its entirety and thank you for listening to what I had to say and I do hope you think about what I've said. Thank you.

Mr. Donald Boyce Jr. greeted those on the dais and made the following statement: I chose to live in Hampton when I came here in the Air Force. I retired. I thought this City was the appropriate City to raise my kids. My major issue right now is East Mercury Boulevard. It's a safety and health issue as I see it. East Mercury Boulevard at the King Street overpass (while it has patchwork here and there) has not been paved in approximately 40 years. There are major concerns for the safety and well-being of joggers, walkers, and cyclists due to the lack of curbing, sidewalks and cycle lanes. The edges are too dangerous for any of these folks because of the rough conditions. You haven't had any accidents there yet or fatalities, but I look for some there in the future if something is not done. What I ask of the City Council is when do they plan to take action as they have done so greatly in the past? By the way, I think it is a great job you've done in Phoebus; the Buckroe Avenue from Old

Buckroe Road to the beach; North King Street; West Mercury Boulevard which has been done many times over the past 40 years; Coliseum Central; and of course, Downtown Hampton makes me proud to be a Hampton resident. I would like to insert here that I travel a lot. I did when I was in the service. I did when I was involved in the union. And, I do it as a retiree. People ask me where I'm from. I'm proud to say Hampton, Virginia. The response I get from them is "Where is it?" "Is that near Virginia Beach?" "Is that near Norfolk?" "Where is it?" I think part of the problem we have here - we have the Virginia Air and Space Center in Hampton; we have the Peninsula Town Center in Hampton; we have the Hampton Roads Power Plant in Hampton, just to name a few. I think we need to start thinking about naming things for the City that they are in, okay. The other thing I have is K-Mart. Everybody I think is aware of the fact that K-Mart is closed. It's a great location. My suggestion for the City's Planning Commission would be to approach Dave and Busters. That's a big money maker. That parking lot is plenty big enough to handle the people and I think it would be a big improvement to that end of Mercury Boulevard. We seem to spend a lot of effort in Coliseum Central, but very little effort outside of Coliseum Central. My time is almost up. Thanks. Congratulations Donnie Tuck, our new Mayor. Best wishes to the City Council members, current and new ones. I think you guys are doing a great job.

Mayor Tuck thanked Mr. Boyce for attending the meeting to present his observations.

Ms. Bunting added that we approach paving of roads by doing an annual pavement study. This drives prioritization to where we do that. She then identified Public Works Director Lynn Allsbrook in the audience so that Mr. Boyce could speak with Mr. Allsbrook about the specifics including the rough roads and what the City may be able to do about it.

Mr. Jamen Mainor signed the speaker signup sheet; however, did not speak.

Mr. Frank Ottofaro Jr. greeted those on the dais and made the following statement: I missed you guys. I'm back. I was going to speak about my dad, obviously, but I will save that for next month, okay. That will be the next meeting. Congratulations everybody. Jimmy, you are the new guy on the block, so you are at the end of the row here it looks like, but probably in four years (unless you get replaced) you are going to migrate to the middle again. Anyway, I'm in agreement with obviously the change in the public comment back to the beginning of these meetings and I will tell you why. You've got families with kids; you've got elderly people; and you have handicapped people who come to these meetings or who would like to come to these meetings and to put them through two or three hours of a regular session to save them for the end is just wrong. You are here for the people of this City; they are not

here for you. It's "we the people", not "we the Hampton City Council". So, we can't forget that. So, it's justified to move it back to the beginning. It really needs to be there. The speaking time should be back to five minutes. Three minutes has worked for a lot of people. There are some up here that obviously get long-winded like me and we need the extra two minutes, okay. Also, there should be a set time period of response for items that people bring before you at this public comment meeting or session of ten business days. I think it should be written in stone unless you have something already and I missed it for a response of some sort and preferably in writing so they have it. You need to do away with that two Councilmember policy that Mr. Wallace put into place. You and I both know why he did it. It was ridiculous. It was ridiculous when he did it and it is still ridiculous. Your peers voted you in these seats. Your peers have a right to come to anyone of you and ask to have something put on the agenda whether it is about a road being changed or named after somebody (like myself) or its about their dog or cat or anything else they want to approach their City Councilmember they voted for to sit in those seats. I think you need to do away with that by the next meeting. It really needs to go away.

Mr. Ottofaro spoke on another topic: The wheelchair for Council Chambers. My dad brought it up for 12 years when he was coming before you. Tom Gear was wheeled out of here in one of these little roller chairs. And I did notice already that you do have it sitting over there in the corner now, so thank you very much. We needed it. It's just for an emergency in case you need it. When you have a 91st District Former Delegate wheeled out of here in a chair with wheels on it, that is embarrassing to him as a former lawmaker (to start with) and a handicapped person as well. So, thank you for getting that. I want everybody to recognize it sitting right over there. The chairs you are in, they were \$1,150 apiece. Mr. Wallace purchased those when he was the City Manager. So, you are sitting in \$12,000 in 10 chairs up there. Just so you know that. So, that is a small expense.

Mr. Ottofaro spoke on another topic: I will say one thing safety related and this is what I do for a living. The bricks out front: you need to re-grout them. The majority of the women that come in this building with high heels on, if they step in those, they are going to break their ankles, so please you might want to get those grouted. Thank you. I will see you next month.

Mayor Tuck thanked Mr. Ottofaro for his comments.

## **ADJOURNMENT**

The meeting was adjourned at 8:10 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 \_\_\_\_\_