



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 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

Wednesday, December 14, 2016

10:30 AM

Council Chambers

CALL TO ORDER

Mayor Tuck called the meeting to order at 10:30 a.m. He shared his condolences to the family of Eddie Deerfield, who passed away earlier this morning. He indicated that Councilman Hobbs is sick and Councilwoman Snead is running a few minutes late.

- Present** 5 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Will Moffett, Councilmember Teresa V. Schmidt, and Mayor Donnie R. Tuck
- Excused** 1 - Councilmember Billy Hobbs
- Absent** 1 - Councilmember Chris Snead

DONNIE R. TUCK PRESIDED

AGENDA

Roll Call

Councilwoman Snead arrived at 10:33 a.m.

- Present** 6 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Will Moffett, Councilmember Teresa V. Schmidt, Councilmember Chris Snead, and Mayor Donnie R. Tuck
- Excused** 1 - Councilmember Billy Hobbs

1. [16-0401](#) Training on Collective Bargaining

Attachments: [Relative Virginia Code](#)
[2014 HPFA Council Candidate Questionnaire](#)

City Manager Mary Bunting gave a brief reason why the training is important. Following her remarks, City Attorney Vanessa Valldejuli introduced Scott Kezman, Esq. of Kaufman and Canoles who made a presentation on Training on Collective Bargaining. Mr. Kezman provided hand-outs which have been made part of the Hampton City Council legislative file.

Councilwoman Schmidt asked if this was only for incumbents and Mr. Kezman replied that this does not apply to candidates and any promise made prior to them being elected would not have been made on behalf of the City.

Vice Mayor Curtis asked if making a statement "I will look into this or I do not know a lot about this matter" without making a commitment is acceptable and Mr. Kezman agreed that it would be okay to make such a statement.

Vice Mayor Curtis then made a statement that she is only one member of Council and any statement of support she makes is not in any way binding on the Council. Mr. Kezman replied that it affects not just the governing body but the individual officials as well.

Vice Mayor Curtis then asked if the better way for individuals is to bring forth their concerns to a Council meeting and Mr. Kezman replied that he believes that is the intent.

In response to City Attorney Vanessa Valldejuli, Mr. Kezman confirmed that a Fire or Police union or organization can come before Council and make their statement during a meeting but reiterated that Council can listen, just cannot make any commitments.

Ms. Valldejuli asked how Council avoids any perception when meeting with union-members that no commitments were made. Mr. Kezman stated that you should go into such a meeting with eyes open and set ground rules ahead of time that Council is there to listen and consider what you are advocating on behalf of the employees, but to be clear that Council is only there to listen. Council should also point out that anything said should not be construed as a commitment because ultimately it is not binding on the City.

Ms. Valldejuli asked if you are an incumbent what would be the proper response to questions. Mr. Kezman replied that it is okay to make a commitment to consider the issue or look into the issue without getting into a back and forth conversation.

Mayor Tuck asked if he is able to ask questions for clarification. Mr. Kezman replied that he does not believe Council would be violating any law by asking for clarification and asking for background information as long as it does not become a discussion.

Ms. Bunting asked if this only pertained to union members, officials or all employees. Mr. Kezman replied that it applies to anybody who is a duly appointed representative of the group. However, if someone came to speak solely on their views and not as a representative of the union, that discussion is not prohibited.

Ms. Bunting asked if a group of employees, not part of any dues paying union, can come speak to the City Manager or a member of Council. Mr. Kezman replied that if there is no formal structure to the group then he does not feel the Code would apply. If the meeting is in a more formalized setting, then he believes the law kicks in.

Ms. Bunting asked if a department head or another administration official can engage with employees who are or are not part of a union about the give and take regarding a particular policy of interest. Mr. Kezman replied that 57.2 does not prohibit individual exchanges with an employee regardless of their status with a union regarding their job and should clarify with any union official whether they are asking as an employee or on behalf of the union.

Ms. Vallejuli asked if Mr. Kezman's answer would change if the employee, who is a union member, comes with the President of the union and wants to have a conversation. Mr. Kezman replied that they can certainly speak to the employee individually but may be crossing boundaries with having a conversation including the union official.

Ms. Bunting asked Mr. Kezman the consequences or penalty associated with violating the law. Mr. Kezman replied that there are no penalties specifically in the statute; however, there are other sections in the Right to Work Law that bookend the two code sections that charge misdemeanors for certain acts. The biggest point to make is that any commitment to come out of a conversation is void.

Vice Mayor Curtis asked if any violation in the Right to Work Law can be a certain class misdemeanor. Mr. Kezman replied that there is a code section 40.1-69 which states the violation but it is unclear.

Mayor Tuck thanked Mr. Kezman and Ms. Bunting stated she hoped that Council found this helpful.

LUNCH RECESS

At 11:07 a.m., Mayor Tuck recessed the meeting and indicated that Council will reconvene at 1:00 p.m.

1:00 P.M. - RECONVENE IN COUNCIL CHAMBERS

Mayor Tuck reconvened the meeting at 1:00 p.m.

2. [16-0393](#) Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016

Attachments: [2016 Final CAFR](#)
[Auditor Presentation](#)
[Staff Presentation](#)
[Memo](#)

City Manager Mary Bunting reminded Council that each year the City prepares the Comprehensive Annual Financial Report (CAFR) that is a summary of the City's finances at the end of the fiscal year. The CAFR is then audited by an external auditor. Ms. Bunting then introduced Mr. Karl Daughtrey, Director of Finance. Mr. Daughtrey acknowledged and thanked his staff: Sybil Ellsworth, Brigette Collins, Marcie Dunn, Linda Hunt, Jacqueline Green, April Peters, Denise Howard and Krista Edoff of Cherry Bekaert, the external auditors.

Ms. Edoff provided a presentation of their findings.

Mr. Daughtrey provided a presentation on the General Fund financial results and also on Government-Wide Financial Statements.

Mayor Tuck stated that if people are dropping their cable and it may be because of all the little add-ons, wouldn't it be wise for the private sector to cut back in order to gain business versus losing business and wouldn't the cable franchise feel the decrease in taxes? As the City does.

Mr. Daughtrey stated that Mayor Tuck made a great point that as they lose subscribers they will need to get competitive to retain their customer base.

Mayor Tuck asked Mr. Daughtrey if the decline in the last two years of ticket writing has been the result of devoting more time to other areas. Mr. Daughtrey replied that is correct.

Mayor Tuck stated on page 179 in the CAFR we list taxable properties, and asked if

we have a Waterworks property that is taxable and if so, what would that be? Mr. Daughtery replied that Newport News Waterworks operates as a business activity and their property is subject to real estate taxes.

Mayor Tuck then asked Mr. Daughtery why some of the major employers used in the 2007 base line did not show in the 2016 listing, did we not list all of them or did something change? Mr. Daughtery replied that the information is on page 178. They listed the top ten employers at each point in time. So some businesses may have been a top employer one year but not in another and information is based on data received from the Virginia Employment Commission records.

Mayor Tuck questioned why Langley Air Force shows less than 500+ employees. Vice Mayor Curtis indicated that these numbers were consolidated.

Mayor Tuck referred to page 176 and asked why there is a need for a transfer of funds when operating revenues are sufficient to cover the expenses on the Hampton Roads Convention Center. Mr. Daughtery replied the amount includes the transfer from the General Fund.

Ms. Bunting complimented the staff for the work they do all year long.

3. [16-0400](#) Update on Local Activities to Address Homelessness

Attachments: [The Healing Place AAG final.pdf](#)

Mayor Tuck made a comment about the people who are genuinely homeless and those who choose to be homeless and expressed the hope that Ms. Rogers and Ms. Hill can shed some light on this.

City Manager Mary Bunting introduced Director of Human Services Ms. Wanda Rogers who made a presentation to Council.

Mayor Tuck asked Ms. Rogers if the transitional housing is a large apartment type building and how she goes about finding transitional housing. Ms. Rogers described the different options, agencies and places that provide this service.

Mayor Tuck made the comment that citizens sometimes state that the City needs to establish some place for the homeless and asked Ms. Rogers if there was a shortage of places. Ms. Rogers replied that she did not believe there is a shortage.

Councilman Gray thanked Ms. Rogers for the presentation and asked her about how the point and time count occurs, how the Planning Council receives the information and how the Homeless Management Information System (HMIS) works. Ms. Rogers

replied that the point and time count happens every January when staff and staff from the other partners go into the community to look for and survey the homeless camps and other homeless persons. They then use that information to input into the HMIS system that is transferred to the Planning Council.

Vice Mayor Curtis asked what the City and the community can do to alleviate the needs. Ms. Rogers replied that there is a lack in case management due to a shortage of case managers and the other challenge is the housing stock that is available.

Councilwoman Schmidt asked what is being done differently about people taking advantage of communities and are the records shared. Ms. Rogers replied that prior to 2011 information had not been shared as it is now.

Councilman Moffett thanked Ms. Rogers and her staff for their work on a daily basis and the partnership with the Hampton-Newport News Community Services Board. He then gave Ms. Rogers a hypothetical question of how you would or could help a veteran out of a homeless situation that had a dependency, mental health issues, credit problems and perhaps a criminal record. Ms. Rogers replied that they could certainly help them by partnering with the Community Services Board to address the mental health and substance abuse issues that would also give the supportive housing.

Mayor Tuck asked Ms. Rogers how they identify the children who may be homeless and what the support systems are. Ms. Rogers replied that any call received that indicates there are children becomes a priority need.

Councilman Gray asked Ms. Rogers how many children in Hampton are not living in permanent housing. Ms. Rogers replied that she would have to get back with Councilman Gray on that number.

Councilwoman Snead thanked Ms. Rogers for her presentation and the work she does and then asked how often are those that choose to be homeless revisited and how long does it take to get someone in a permanent situation. Ms. Rogers replied that street outreach checks on them weekly and continuously reaches out to them.

Councilwoman Snead asked if there are landlords willing to work with these people that have credit challenges and do they receive any type of credit counseling. Ms. Rogers stated that counseling is generally provided by the Center of Child and Family Services and she and her staff build relationships with landlords and help finance the deposits and first month's rent.

City Manager Mary Bunting made a comment that many of the Council's questions lead to the presentation that Ms. Ruth Hill of The Healing Place is going to give.

Councilwoman Schmidt asked Ms. Hill what happens to an individual if they have a lapse while in the program. Ms. Hill replied that the program is based on a community approach and the participants hold each other accountable for their behaviors.

Councilwoman Schmidt commented that it was said they can come back at any time, does that mean the next day. Ms. Hill replied that certain criteria must be met before reentering the program.

Councilman Gray thanked Ms. Hill for the presentation and updates and described his involvement with The Healing Place.

Executive Director Matthew Stern of Hampton Roads Ecumenical Lodgings & Provisions, Inc. (H.E.L.P.) made a presentation to Council.

Mayor Tuck apologized to Mr. Stern but explained that Council was not prepared for his presentation but would like to know how they transport people to the necessary sheltering sites. Mr. Stern replied they coordinate shelters close to bus stops, most homeless persons are equipped to get to the shelter and for some H.E.L.P. will pick up and deliver them to the shelter.

Councilwoman Schmidt stated that she had H.E.L.P. as part of today's agenda and Mayor Tuck apologized.

Vice Mayor Curtis asked about Mr. Stern's forty people that he reported as homeless versus Ms. Rogers reported sixteen people. Mr. Stern clarified that sixteen persons that are unsheltered choose not to receive any type of service.

Councilwoman Schmidt asked Mr. Stern the amount of communication H.E.L.P. has with Human Services. Mr. Stern replied that he communicates a great deal with Homelessness Program Manager Mary Holup.

Councilman Gray stated that H.E.L.P. stated last year they averaged twenty-seven people a night and this year they are averaging forty people a night. Is the increase because there are more homeless? Mr. Stern replied that there seems to be an influx of homeless in the Coliseum Central area and the changes in the Nights Welcome Program.

4. [16-0399](#) Neighborhood Centers Update: Old Hampton and Fox Hill

Attachments: [Presentation](#)

City Manager Mary Bunting gave a brief overview on the update and introduced Assistant City Manager Laura Fitzpatrick who made a presentation to Council.

Mayor Tuck asked if the primary concerns are distance and wetlands, why is the area still in consideration. Ms. Fitzpatrick replied that all of the areas the community has mentioned are being laid out for consideration.

In response to Mayor Tuck, Ms. Fitzpatrick stated the Fox Hill Athletic Association meeting is on December 20th at 6:30 p.m. at the Volunteer Fire Station.

Ms. Bunting stated that there are several private sites that will be discussed in closed session at the appropriate time.

Councilwoman Schmidt asked if the avoidance, minimization, and the no impact options being looked at are public land or public and private land. Ms. Fitzpatrick replied both but asked Director of Community Development Terry O'Neill to answer. Mr. O'Neill replied that the regulatory agency has a criteria to obtain a permit and the first criteria is avoidance where you have to prove that you do not have a practical alternative site to the one you are proposing and it does not matter if the site is private or public. Mr. O'Neill also stated he believes it will be difficult to overcome the first hurdle because the City does own other properties that are not impacted by the wetlands.

Councilwoman Schmidt commented that no consideration is being made for the neighborhood center.

Mr. O'Neill stated that Council's criteria for the project does not necessarily end up being theirs.

Ms. Fitzpatrick stated that was one of the issues the consultant stressed at the Asbury site.

5. [16-0397](#) Buckroe Beach Pop-Up Retail, Food, and Recreational Amenities

Attachments: [Presentation](#)

City Manager Mary Bunting introduced Redevelopment Manager Amy Jordan who made a presentation to Council.

Ms. Bunting stated that it is their hope to debut this program the next beach season

and if Council gives the green light staff will move as expeditiously as possible.

Mayor Tuck stated he was very impressed and asked how the Request for Proposal (RFP) will work. Ms. Jordan explained that the Revocable License Agreement is like a temporary lease and is not being looked at to make a big profit.

City Attorney Vanessa Valldejuli added that the hope is to get proposals from the food truck and push cart vendors to see what the market will absorb. The point is to bring the amenities to the Buckroe area and not to make a profit.

Ms. Bunting added that the RFP allows the community to be aware of the opportunity available and the City will have a criteria to pick a diverse group of vendors.

Councilwoman Schmidt stated that Kecoughtan High School built a tiny house and thought it would be nice if they could participate in the shed part of the program.

Ms. Jordan replied that they were looking for basic sheds with electricity to provide for lighting and alarms.

Ms. Bunting commented that the Architecture Academy often looks for projects and can work with the Hampton City Schools to see if they would like to participate.

Vice Mayor Curtis commented that the sheds could also be used at the Winter Carnival in Downtown since they are movable.

Ms. Jordan stated that it had been discussed to use the sheds in the winter months.

Councilman Moffett thanked Ms. Jordan for the excellent presentation and commented he is excited about what was presented and had a request to add Public Wi-Fi as an amenity if feasible.

Ms. Bunting stated that she had already tasked the IT Director to look into the possibility and stated that there is Wi-Fi already available at some parts of the beach.

Information Technology Director Leslie Fuentes reiterated that there is some limited access at the beach but will need to do a survey on the areas to be covered and where the most activity would be.

Ms. Bunting also stated that there had been a request for more porch swings at the beach and the Director of Parks, Recreation & Leisure Services Kevin Myers is working on it.

Vice Mayor Curtis stated she also heard a request for parasailing.

Councilman Moffett offered to be the first to go up on behalf of the Council.

Councilman Moffett asked if charging stations could be another factor to be considered.

Ms. Jordan stated they are looking at bringing beach recreational amenities and Mr. Myers is working on that.

Ms. Bunting stated that staff will move forward.

Councilman Gray stated he would like to see the Groovin' by the Bay Series expanded.

Ms. Jordan stated the police officers suggested providing music opportunities on the pier.

Economic Director Leonard Sledge stated that there is a technology that exists for solar powered charging stations and he has had conversations with a small business owner for a pilot opportunity.

Clerk of Council Katherine Glass read the protocol for Closed Session.

REGIONAL ISSUES

NEW BUSINESS

CLOSED SESSION

6. [16-0377](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.1, .3, .5 and .7 to discuss appointments as listed on the agenda; to discuss or consider the acquisition of real property for a public purpose in the Fox Hill area where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in Hampton; and to consult with legal counsel employed

or retained by the City regarding actual or probable litigation and specific legal matters pertaining to the prosecution of nuisances, the Chesapeake Bay Preservation Area Act, and community development authority bonds requiring the provision of legal advice by such counsel.

At 3:42 p.m., a motion was made by Vice Mayor Curtis and seconded by Councilmember Snead to convene the closed session. The motion carried by the following vote:

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

- 7. [16-0210](#) Consideration of appointments to the Hampton Arts Commission
- 8. [16-0395](#) Consideration of an appointment to the Board of Zoning Appeals
- 9. [16-0420](#) Consideration of appointments to Coliseum Advisory Committee
- 10. [16-0421](#) Consideration of appointments to Wetlands Board
- 11. [16-0422](#) Consideration of appointments to Social Services Local Advisory Board

CERTIFICATION

- 12. [16-0394](#) Resolution Certifying Closed Session

Mayor Tuck left the closed session a few minutes before its conclusion. At 6:13 p.m., a motion to certify the closed session was made by Councilman Moffett, seconded by Councilman Gray, and passed on the following vote:

Aye: 5 - Vice Mayor Curtis, Councilmember Gray, Councilmember Moffett, Councilmember Schmidt and Councilmember Snead

Absent: 1 - Mayor Tuck

ADJOURNMENT

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____