



# City of Hampton

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

## Council Approved Minutes - Final City Council Legislative Session

*Mayor Donnie R. Tuck*  
*Vice Mayor 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, February 28, 2018**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:33 p.m.

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

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilman Jimmy Gray

Councilman Gray provided the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck acknowledged Council's mourning at the passing of former Councilman and Vice Mayor Paige V. Washington, Jr. and Channel 47 technician Lloyd McKenzie.

Mayor Tuck announced that today is the City's annual Scout Youth in Government Day, where 30 students from around the City of Hampton were hosted by the City. This year, they learned about climate change and sea level rise and its impact on the City. He thanked the staff of the Clerk's Office and the Community Development Department, as well as NASA-Langley,

for providing a fun and educational program for our scouts.

Mayor Tuck introduced Mr. Chauncey Brown, who provided a brief history of the U.S. Colored Troops in honor of Black History Month. He and several reenactors performed a musical selection.

Mayor Tuck announced that the City has been awarded the Government Finance Officers Association's Distinguished Budget Presentation Award. Hampton has obtained this award 22 times, and he thanked Assistant City Manager Brian DeProfo, formerly the Director of Budget and Strategic Priorities, Torriano Askew, Vahid DeJwakh, Lori Green, Hazel Marshall, and Diana Moody. The award was presented by Councilwoman Chris Snead, former Budget Director for the City of Hampton.

[18-0099](#) Resolution in Recognition of Dr. William R. Harvey

Mayor Tuck stated that earlier this evening at our Spotlight on Citizens, we recognized the 150th Anniversary of Hampton University and the 40th Anniversary of Dr. William R. Harvey's tenure as its president. For this and the many accomplishments achieved during his tenure, we honored Dr. Harvey with a Distinguished Citizen Medal. He continued stating that on the Consent Agenda, we will be renaming portions of East Tyler Street and East Queen Street to William R. Harvey Way.

Mayor Tuck requested a motion to ratify the resolution awarding Dr. Harvey the Distinguished Citizen Medal.

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

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

## CONSENT AGENDA

The Clerk read the protocol for the Consent agenda and a summary of the consent items.

City Manager Mary Bunting referenced the newspaper article about the City's plan

to change the street names in honor of Dr. Harvey and said that this article prompted questions from residents about the cost of the signs. She explained that the Public Works Director provided project cost information in compliance with the paper's request; however, the work was handled through the City's internal sign shop which has staff (already on the payroll) and the necessary materials to complete the job. She reiterated that the internal sign shop staff and materials are included in the City's budget; and, therefore, this was not an incremental cost.

### Approval of the Consent Agenda

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

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

1. [17-0357](#) Resolution Amending Resolution #13-0473 Establishing the Hampton Senior Citizens Advisory Committee and Approving Its Bylaws

**Attachments:** [SCAC Bylaws](#)

Item approved.

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

2. [18-0002](#) Resolution Requesting the Renaming of East Tyler Street from Settlers Landing Road to East Queen Street, and East Queen Street from East Tyler Street to the Hampton River, to "William R. Harvey Way"

**Attachments:** [Request Letter](#)  
[Map](#)

Item approved.

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

3. [18-0074](#) Resolution Approving the City of Hampton, Virginia's

Participation in and Appropriation of Funds for the 2017 Tobacco Use Prevention for Children Received from the Virginia Foundation of Healthy Youth

**Attachments:** [Tobacco Use Prevention Grant](#)

Item approved.

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

4. [18-0076](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Repealing Chapter 6, Bicycles, Article 1, In General, Sec. 6-5, and Article II, Equipment and Operating Rules, Sec. 6-17, Sec. 6-20 through Sec. 6-22, and Sec. 6-28 and Amending Chapter 6, Bicycles, Article I, In General, Sec. 6-1, and Sec. 6-4, and Article II, Equipment and Operating Rules, Sec. 6-23 and Sec. 6-29 to make the City Code Consistent With State Laws and to implement recommendations of the Hampton Bicycle and Pedestrian Advisory Committee

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

Item approved.

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

5. [18-0077](#) Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Virginia 9-1-1 Services Board's FY18 Public Safety Answering Point (PSAP) Education Program Grant

**Attachments:** [FY18 PSAP Award](#)

Item approved.

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

6. [18-0080](#) Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the National Institute of

Justice's FY17 Understanding the Impacts of Policing Strategies and Practices (Beyond Crime Reduction) Grant

**Attachments:** [NIJ Hot Spot Award](#)  
[Subawards - Police Depts justification](#)  
[Sub-Recipient Approved](#)

Item approved.

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

7. [18-0082](#) Resolution Determining CEMTEK Systems, Inc. to be the Only Source Practicably Available From Which to Procure Parts for CEMTEK Continuous Emissions Monitoring Systems/Flue Gas Analyzers (FGA) and Authorizing the Negotiation and Execution of a Purchase Contract with CEMTEK Systems, Inc. as "Sole Source"

Item approved.

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

8. [18-0084](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to Edith G. White of an Area Comprising 162 Square Feet, More or Less, of a Public Drainage Easement South of Grays Landing to Replace a Shed and Formalize Encroachments of the Shed and a Fence

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

Item approved.

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

9. [18-0098](#) Resolution in Opposition to Off-Shore Oil and Gas Exploration and Seeking the Same Exemption Provided to the State of Florida for the Hampton Roads Region

**Attachments:** [Gov. Northam Press Release](#)  
[HRMFFA Memo](#)  
[Virginia Beach Resolution](#)  
[The Virginian-Pilot 2/7/18 Article](#)  
[The Virginian-Pilot 2/11/18 Mayor Sessoms Editorial](#)

Item approved.

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

10. [18-0091](#) Resolution Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement, and Related Instruments, and Determining Other Related Matters to Acquire Up to Ten (10) Refuse Trucks and Related Equipment

**Attachments:** [RFP Summary Memo](#)

Item approved.

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

11. [18-0089](#) Motion to correct the terms of two Wetlands Board appointees from February 28, 2022, to February 28, 2023

Item approved.

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

12. [18-0092](#) Approval of the Minutes from the Special Session of February 12, 2018

Item approved.

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

## PRESENTATIONS, PROCLAMATIONS, AWARDS

**PUBLIC HEARINGS**

**PUBLIC COMMENT**

The Clerk read the protocol for the Public Comment Period.

Mayor Tuck reminded speakers to alternate between the podium and the free-standing microphone as they come forward to speak.

Mr. Tress Hartley greeted those on the dais and made the following statement: I originally was going to come up here to advocate for the passing of a law that you just passed. I will just simply take the time to thank you for passing the updated City Ordinances when it comes to citizen concerns about cycling in the City of Hampton. I am a resident of Hampton. I'm an avid cyclist and a cycling commuter. I am also the President of the Peninsula Bicycling Association and we all thank you for your attention to this matter.

Mr. Joey Stickle greeted those on the dais and made the following statement: I appreciate you letting me come speak tonight. I came to talk about the aquatics facility that we have read about in the paper and some of you may have known that I've been kind of on the side on this project for a while. For those that don't know me, I've coached Kecoughtan High School's Swimming Dive Team for the last eleven years, going on twelve now. I've been involved in swimming since about 1966. Whether it was competitive swimming, coaching, being an official - I've done a little bit of everything if it involved swimming. So, I really appreciate your vote to move forward on the aquatics facility. When it gets built, it will be home to many swimmers. Other programs like the Learn to Swim Program hooked up with the Public City Schools, lap swimmers, therapeutic swimming - hopefully, I hope to get diving in there. Virginia Beach has a good diving program that started up and they are looking to expand to this area. I've talked to the coaches over there. So, I think the pool is going to be a great thing. It's going to be a great thing for our community. You only read about the ones that are kind of opposed to spending the money on it, but I'm going to tell you, it will get used. But, I do have one concern, and that concern has to do with the seating. I've also read in the paper where we are looking at trying to save money and reduce costs by reducing the number of seats. And, I just wanted to tell you that's exactly what they did over at the Midtown facility in Newport News - and you go over there and it is a great workout facility, but they can't host big national or even regional meets. Everything is really local swim meets that they have. That's going to hurt in the long run because it doesn't bring outside people to stay overnight in your community. They may come for the day, but they are going to go back home. So, you really want the bigger seating to be

able to attract the bigger meets. I wish I had thought (and I didn't think in time) - my team hosts the Kecoughtan Invitational every year. This was our 29th year for hosting this invitational. We've grown to where we used to use the pool at Hampton University and now we use the Midtown because we've gotten so big and even there at the Midtown pool, I have to turn teams away because we have reached capacity for the facility. And at that, if you would have come, you would have had a hard time finding a place to sit down. It is so crowded in there, there is not enough seats, and the seating is right on the deck. We get pushed by the facility because we are close to violating fire codes all the time and I have to have marshals walk up and down to keep the lanes clear. So, I just would like you to consider when you are going forward on this, that's not a place that you really want to cut funds (is to the seating). I've talked to the other club swim coaches in the area. Swimming has doubled in size as far as the number of participants. It has doubled in size in the last ten years. It will probably double in size in the next ten years if we have the facilities formed. If you build something with limited seating, you may be okay for the first three or four years, but I guarantee ten years from now, you are going to say, "Wow, I wish we had put the extra seats in there; if we had just spent that little bit of extra money, we could have this many more people coming in." So, just something to consider. I appreciate your time. Thanks a lot.

Mr. John Krulis greeted those on the dais and made the following statement: I appreciate your words (referring to the previous speaker), but I really, really, really need to stress for you folks the boondoggle that you are entering into. And, I am very serious about this, I really am. I am not joking when I say when you look at that Power Plant - it needs to be remembered who put it there and needs to take ownership of it. It's not doing well, is it? Come on, you know that, you know that. You know what the numbers are. And, then when you look at the Peninsula Town Center. All of these things are from before your time, are they not? They are before your time. You take no ownership. You don't have to take ownership for it, but if you vote for this aquatics center, I understand the passion for it and I appreciate the fact that we should have had this kind of a pool, a competition size pool, for our kids - this business though about bringing in tourist dollars is a boondoggle because all of the other things that you have talked about as being wonderful things to bring in tourism. If you realize, for example, that is a combined tax revenue from lodging and entertainment does not equal how much you bring in for cigarette taxes every year. Now, nobody is coming from York County or any place else to buy their cigarettes. That's the people of Hampton who were paying that. That's more than the lodging, more than the entertainment year after year. Now, how can you justify spending 30 something million dollars with an annual cost to operate a facility in the numbers of millions of dollars. I'm sorry I didn't get to say the good stuff that I promised, but if it's true about the Wythe school; if something is actually being done - that it will actually be taken care of soon. That is good news,



and I thank you for that little piece there. My machine is not working to be able to do the Meals on Wheels, but if you go to Youtube and put in "Meals on Wheels", you will get what I was going to try to bring here. Look at it and then sign up, please, sign up. 246-1904. Somebody will tell you how to do it. Thank you very much.

Mr. John Ball greeted those on the dais and made the following statement: I am from Newport News. I have a house here in Hampton. However, I do not live here. I live in a city called El Paso, Texas, because I have a six-year old and I'm going to stay there because he is there. One day I might come back. The reason why I am here is because I would like to help you keep this great City that I love, clean. I intend to do that by placing waste containers on your corners, at your intersections, if you would so allow. It would cost the City absolutely nothing to maintain it. My company, Eye Level Marketing, will maintain it, we will keep it clean, and pick up the trash and dump it and abide by all of your laws and regulations. There is just one little small thing you guys need to change. You see, you have this ordinance that forbids people to advertise off their premises and I understand it because you don't want, nor does the city of El Paso want lines of advertisement going up and down your roads because it would be a distraction. But the way we have done it in El Paso does not cause that problem. Those trash cans just simply sit there and as people are out, they throw their trash in, and if you are at the stop light or a stop sign and you are there, you see an advertisement for some company, a business, a realtor. That helps promote more business and it is very colorful and it looks very nice. That would take care of the cost of doing this - because those folks would pay their fee to have that marketing done. We would be totally subject to how you wish to place, move, and print anything. But, I don't just come with that. I want to give back in the form that every year, you guys are able to charge me a franchise fee that we will agree upon. For every container that's in place, the great City of Hampton can collect some money for it. But also, you will be allowed to use 5% of the containers to put whatever advertisement or marketing you wish to put on it just as long as it doesn't violate our ground level rules. So, that is my proposal. I ask that you would consider it. At least think about it and get back with me or let me come back to you. Let us do great and wonderful things to keep this great City looking good. Amen. And, by the way, to the soldiers: I am also a retired Command Sergeant Major and it touched my heart to see the performance and I appreciate it because I know that struggle being one that has deployed myself. Thank you very much for your time.

Ms. Lisa Jones greeted those on the dais and made the following statement: I just wanted to come down tonight to say thank you to Council, Mayor Tuck, Mary Bunting for all of the stops that you pulled out on behalf of Wythe Elementary School. Our neighborhood is very excited at the proposed historic preservation of that building. We feel very energized. The other night when you came to our

meeting and were there with the developer, I was very proud of the questions, the listening, and the answering that went on there. I just want to say thank you so much for making this happen and I just wanted to express that on behalf of the Olde Wythe Neighborhood Association. Thank you.

**GENERAL ITEMS**

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

**MISCELLANEOUS NEW BUSINESS**

**ADJOURNMENT**

The meeting was adjourned at 7:12 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 \_\_\_\_\_