



City of Hampton

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

Council Approved Minutes - Final City Council Legislative Session

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

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

Wednesday, February 10, 2016

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Wallace called the meeting to order at 6:35 p.m. All members of the City Council were present.

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

GEORGE E. WALLACE PRESIDED

INVOCATION - Councilmember: Donnie Tuck

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Wallace stated the City of Hampton along with Cities United is convening a regional symposium "Urgency of Now" on Thursday, February 11, 2016 at the Hampton Roads Convention Center and gave details on the event, those participating and who been invited. Statistics were given from different sources on how black males are involved in crime, both as victims and offenders, throughout the City and the United States. A video of #RuON was played promoting the symposium. He acknowledged and thanked Vice Mayor Curtis, Councilman Will Moffett, Synethia White, Youth Violence Prevention Manager, and Steve Bond, Assistant City Manager, for their work and efforts.

Vice Mayor Curtis hoped that all the citizens would participate in this event. This is a community, city, region, state and national issue and she feels that the solution is here. The symposium is for everyone, it is not just about black males as we are all impacted. Vice Mayor Curtis asked those who would like to help to please attend.

Councilman Moffett states this is a serious crisis. This is a societal problem and is a state and national issue. We have the eyes of the nation looking at us to see how we are going to handle this. Tomorrow will be a pivotal day in our history and we are expecting up to a thousand attendees.

Mayor Wallace again reminded the public that the event is free and encouraged everyone to attend.

CONSENT AGENDA

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

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

1. [16-0004](#) Resolution Approving the Transfer of Funds from Mallory Street Reconstruction to Kecoughtan Road/Sunset Creek Railing that are Funded with Virginia Department of Transportation's Revenue Sharing Program Funds

Item approved.

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

2. [16-0052](#) Resolution Approving the City of Hampton, Virginia's

Participation in and Appropriation of the 2016 Virginia Water Quality Monitoring Program through the Virginia Department of Environmental Quality

Attachments: [Water Monitoring Grant Award Letter](#)

Item approved.

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

3. [16-0054](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2015 State Homeland Security Program - Citizen Preparedness Grant through the Virginia Department of Emergency Management

Attachments: [Citizens Preparedness Grant Award Letter](#)

Item approved.

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

4. [16-0055](#) Resolution to Accept and Appropriate the 2015 Rescue Squad Assistance Fund (RSAF) Grant awarded to the Hampton Division of Fire & Rescue (HDFR) by the Virginia Office of Emergency Medical Services-Rescue Squad Assistance Fund

Attachments: [2016 RSAF Grant Award Letter](#)

Item approved.

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

5. [16-0008](#) Approval of the minutes from the work and legislative sessions of January 13, 2016, the special session of January 20, 2016; and the ceremonial and legislative sessions of January 27, 2016.

Item approved.

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

6. [16-0061](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2015 State Homeland Security Program Grant - Mass Care Shelter Program through the Virginia Department of Emergency Management

Attachments: [Grant Award Letter - Mass Care Shelter](#)

Item approved.

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

7. [16-0064](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the FY15 Edward Byrne Memorial Justice Assistance Grant through the Department of Criminal Justice Services' One Time Training and Equipment Program

Attachments: [Grant Award Letter](#)

Item approved.

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

8. [16-0065](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2015 State Homeland Security Program - Cyber Security Recovery Plan and Exercise Grant through the Virginia Department of Emergency Management

Attachments: [Grand Award Letter - Cyber Security](#)

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

9. [16-0066](#) Briefing on efforts the Police Division has achieved in combatting "Guns, Gangs and Drugs" throughout the city.

Attachments: [Presentation](#)

City Manager Bunting introduced Chief Sult who presented and commented it is fitting that his presentation is being done on the eve of the symposium "Urgency is Now". Major Orrin Gallop, Commander of Patrol Operations, Major Kenny Ferguson, Commander of Investigations, and Special Assistant U. S. Attorney Amy Cross explained their roles in addressing crime in Hampton. The four items that were discussed - State of the City in regards to crime trends; Hampton Police Division Initiatives; Federal Partnerships and Prosecutions; and challenges and where our priorities need to be in the future. Chief Sult noted that the Hampton Police have shifted their focus from simply being reactive to being proactive and engaging the community.

Councilman Tuck asked what a "Keep Check" is. Major Gallop explained that the Police may receive calls from people who have gone out of town and they will check and/or do a walk through on properties and/or businesses to ensure everything is safe.

Mayor Wallace confirmed with Major Ferguson that ATF stands for Alcohol, Tobacco and Firearms.

Councilman Tuck asked Major Ferguson how you can reduce firearms from being passed from person to person by collecting data on the firearm that is used because a lot of firearms are stolen.

Major Ferguson answered that the sooner they can get the gun or ammo that has been used in a crime to the lab and check to see if it connects to another crime, the sooner the police can identify those individuals involved and get them and the firearm off the street.

Mayor Wallace commented to Amy Cross the partnership between the Police Division and the U. S. Attorney's Office is another example of Hampton's firsts and stepping out and taking a leadership role.

After the presentation Councilman Tuck asked Chief Sult about the breakdown of increased commercial robberies versus someone being robbed on the street. Chief Sult responded by saying that there are fewer commercial robberies. However, our region has had a rash of robberies at 7-11's and Family Dollar stores and we have met with them to discuss different types of strategies to help prevent crime in those areas.

Councilman Tuck asked about real time intelligence and referred to an article in America City and County that spoke about new lighting that allows for gunshot detection.

Chief Sult answered that real time intelligence is more of a real time information center/real time crime center and is video integration, social media monitoring, information processing and can help retrieve information on the scene within minutes versus hours.

Councilman Tuck asked about additional manning needs, the loss of personnel and referred to a December 18, 2014 article regarding the unexpected benefits of twelve hour shifts for the police. In doing so, there was an increase of police presence by twenty percent at any given time, resulting in reduced response times. Councilman Tuck asked why the Police are not having the same benefits in 2015, what changed?

Chief Sult responded the national atmosphere of crime has changed. The department is now being proactive versus reactive and spending more time in the community and getting to know the people since the dynamics of the community have changed.

Councilman Tuck asked about the need for additional overtime.

Chief Sult responded by saying that with the twelve hour shift savings some of that overtime savings has been repurposed through the holidays with robbery prevention and patrolling. Chief Sult feels we are not meeting the

needs and Hampton needs about twenty-five more officers on the streets and over the next couple of years we hope to bridge that gap. Directly to the point the Hampton Police Department needs more resources.

Ms. Bunting added that the goal is to fill the authorized vacancies he currently has and improve the technology and plans to add additional monies for part-time employees from recently retired officers or others from the region to help with the manning. This is one of our highest priorities.

Vice Mayor Curtis asked Chief Sult if he felt the criminals of violent crimes had a different attitude and feel more embolden because of their perception that the police may not be aggressive in enforcement.

Chief Sult stated he felt there are a lot of factors and the police all over the country have come under a lot of scrutiny and in some case rightfully so. He explained how the Ferguson effect has changed the atmosphere and the mindset of the community.

Vice Mayor Curtis stated that it is important to support our police division and their actions in enforcement, they need to know the community is behind them.

Vice Mayor Curtis and Chief Sult both mentioned the importance of "Urgency of Now" and how important it is to reach out and be involved with the young people in the community.

Mayor Wallace added that it was the City's responsibility to get out the information on the efforts of our police department.

Chief Sult thanked the City Manager and Council for their continued support since his arrival.

Presented by Chief Terry Sult who was accompanied by Major Gallop, Major Ferguson and Special Assistant United States Attorney Cross.

PUBLIC HEARINGS

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

Rezoning

10. [16-0059](#) Rezoning Application No. 15-00006 by Franciscus Home, Inc. to rezone 7.6+ acres at 960, 1014, 1020, and 1018 Big Bethel Road [LRSN: 4001445, 4001446, 4001447, 4001448] from Limited Commercial [C-2] District with conditions and One Family Residence [R-11] District to Multiple Dwelling (MD-2) District with proffered conditions

Attachments: [Resolution](#)
[Application](#)
[Narrative](#)
[Proffer Agreement](#)
[Title Certificate](#)
[Staff Report](#)
[Presentation](#)
[Applicant Presentation](#)

Ms. Bunting introduced Mr. Don Whipple, Chief Planner, who provided a presentation.

In response to Councilwoman Schmidt, Mr. Whipple explained the parking spaces allowed by code.

Mr. Gary Werner, President of Franciscus Homes and Mr. Larry Cumming, attorney for the applicant, Franciscus Homes, provided a presentation and requested the chance for rebuttal.

Councilwoman Schmidt stated that there was a concern from the neighbors about losing their view of the sunsets and asked if consideration was given to open fencing.

Mr. Cumming and Mr. Werner stated they felt that the privacy fencing would not obstruct the view due to the spacing of the buildings and the height of the fencing.

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

Presented by Donald Whipple. The applicant and their attorney also made a presentation.

Held public hearing. There were no speakers on this item.

A motion was made that this agenda item be approved with 15 conditions. The motion carried by the following vote:

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

Use Permits

11. [15-0383](#) Use Permit Application No. 15-00014: by Elvie Wilson for live entertainment inside LV's Sports Bar and Grill located at 1565 Briarfield Road [LRSN 3005371]

Attachments: [Updated Memo for February 10, 2016](#)

[UP15-00014 Conditions](#)

[UP15-00014 Complete Application](#)

[UP15-00014 Public Comments](#)

[UP15-00014 Staff Report](#)

[UP15-00014 Presentation](#)

[UP15-00014 PC Resolution](#)

Ms. Bunting introduced Mr. Mat Smith, Senior Zoning Official, who provided an update on the request for live entertainment inside LV's Sports Bar and Grill. At the request of Council, on January 28, 2016 a meeting took place with the applicant and the community to discuss the proposal.

Mayor Wallace opened the Public Hearing.

Ms. Linda Flett introduced herself as living at Mallory Apartments, 1553-P Briarfield Road. I have been at every meeting from the time we were notified about this, both Mr. Wilson's meetings and the Planning Commission. I would like to point out that nothing has changed as to the proximity of the apartments to his business. I am interested to know about the parking because I have gone over and looked at it. I used to work in commercial design and that was part of my job. I would like to know if we have the ADA required parking as well as the other 33 parking spaces needed.

Mr. Smith stated that the Zoning Ordinance lays out the parking spaces required and the plan reflects that.

Ms. Flett continued : Are they drawn to ADA requirements?

Mr. Smith stated that the information he received from the building official was provided to the applicant to use when drawing the parking layout.

Ms. Flett continued: My other concern is the entrance and exit to Butler Road. When I originally moved to the apartments the road split as it came out onto Briarfield Road. The gentleman, Mr. Wilson, who owned this before marked that through and put parking places where the road was supposed to be. I was told that VDOT owned that right of way and I am concerned that maybe that has been added in to the parking areas. Because that needs to go back to the way it was, that is the best way we have to go out without getting hit because you can actually see both directions of traffic. That concerns me that it needs to go back to the exit lane because when you come in on the entrance lane if someone tries to go out on that one lane there is no room, it could be a head-on. I would also like to know if that has been addressed, if VDOT has been contacted and taken care of that as well.

Mr. Smith stated that staff has not contacted VDOT about their property and the plan does not show any spaces on the VDOT property.

Ms. Flett continued: I still would ask that you take into consideration all of these things and the proximity. I wish him well, I want him to succeed and be financially successful but I just don't think this is an appropriate commercial use next to our homes. Thank you.

Mr. Keith Flora introduced himself as living at 20 Butler Drive which is behind LV Wilson's place. I learn things when I come to these meetings. I have been to all of them and I have been with the City officials and the different departments within the City to find out what was and was not acceptable. I am surprised to find that they have to find some square footage somewhere else because that property does not have it for him to put what is qualified as a parking space, what the City Code requires for a parking space and the exit ability from that parking space. I have been out there and counted them a dozen times. Mr. Wilson has gone out there and painted additional parking

spaces and they do not qualify. Thirty-three parking spaces is the number and somehow or another they are going to squeeze out of it. What I do not understand is that this has been an issue ever since the first meeting. At the first meeting Mr. Wilson said he had fifty parking spaces. . . they must have been on the roof. They have never been on that property. Why are we waiting until tonight when the Council is supposed to make a decision, is it to wear the neighborhood out? Why is it being done tonight? That he's promised he's got somebody that is going to give him those thirty-three parking spaces. Are we going to have another meeting? Are you going to tell him yes and go ahead you can do it and then come to find out that he doesn't do it?

In response, Mayor Wallace stated that staff already indicated that he has met the thirty-three parking space requirement.

Mr. Smith added that as of today they finally arrived at the plan that meets the Zoning Ordinance of thirty-three parking spaces.

Mr. Flora continued: A week ago I talked with you in your office and he did not meet the requirements, that there was nothing out there that met those requirements.

Mr. Smith agreed and stated that the striped parking currently there does not meet the requirement.

Mr. Flora continued: Now we are going to redraw this and meet the requirements because the parking spaces are going to get larger.

Mr. Smith continued: The parking spaces submitted meet the requirement of the Zoning Ordinance and they are 9 x 18 foot spaces.

Mr. Flora continued: What about access and exit?

Mr. Smith continued: The drive aisles that he is required to have are 24 feet wide. Because he has continuous curb cuts from the right of way, he can access those spots directly.

Mayor Wallace addressed Mr. Flora, reminding him that they were trying to

address the question and do not normally allow dialogue back and forth and staff has indicated that he is in compliance and the reason for voting tonight is because Council has been informed he is in compliance.

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

Vice Mayor Curtis commented the proffered conditions should address the concerns of the apartment residents and the permit can be revoked if he does not meet the conditions.

Presented by Matt Smith.

Held public hearing. There were two speakers on this item: Linda Fleet and Raymond Flora, both were opposed to the application.

A motion was made that this agenda item be approved with 13 conditions. The motion carried by the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Hobbs, Councilmember Moffett, Councilmember Snead, Councilmember Tuck and Mayor Wallace

Nay: 1 - Councilmember Schmidt

Ordinances

12. [16-0058](#) Ordinance To Amend And Re-Enact Article IV Of Chapter 8 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Hampton Roads Center Districts" By Amending Section 8-32(6) Pertaining To Building Height In The HRC-1 District; Section 8-33(4)(c) Pertaining To Building Height In The HRC-2 District; And Section 8-34(5) Pertaining To Height In The HRC-3 District.

Attachments: [Red Line](#)
[HRCDistricts Map](#)
[Planning Commission Resolution](#)

Ms. Bunting introduced Mr. Don Whipple, Chief Planner, who provided an overview of the amending and reenacting Article 4 of Chapter 8 that refers to the Hampton Roads Center Districts HRC 1, 2 and 3 pertaining to increasing

the minimum height for buildings and removing a requirement to allow someone to use a Use Permit to go above those heights.

Mayor Wallace commented that because the City of Hampton is in competition with other communities for the relocation of some additional businesses we want to maximize the opportunities to attract these ventures.

A motion was made that this agenda item be approved. The motion carried by the following vote:

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

GENERAL ITEMS

Ordinances

Resolutions

Appointments

13. [16-0025](#) Consideration of appointments to Coliseum Advisory Board
Appointed Ryan Lowrie to fill the unexpired portion of a term which will expire on December 30, 2017.

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

PUBLIC COMMENT

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

Mr. Edward Robinson introduced himself and made the following statement: I just wanted to invite you guys out to a cleanup on February 19th on Virginia Avenue. It is being organized by the Litter Awareness Committee of the Hampton Clean City Commission. They came up with a series of community cleanups and they started one on February 19th from 3:00 to 4:30 p.m. on West Virginia Avenue, over there by Old Buckroe and Mallory and the Farm Fresh over there in that neighborhood in Phoebus. Come on out and you

can register at hccc@hampton.gov. I would love to see all you guys there and all the citizens are welcome to come on out. We provide the litter sticks, the gloves and reflective vests. Come on out and get some community service in -spring cleanup.

Mayor Wallace asked Mr. Robinson to repeat the information.

Mr. Robinson repeated the register site for participation for the cleanup at hccc@hampton.gov, 3:00 – 4:30 p.m. on West Virginia Avenue, Old Buckroe and Mallory Road. You can contact Clean City Commission with any questions. Also, one more thing to bring up this is also the launch of a change in the I Litter Campaign that we started at the Hampton Clean City Commission where we are offering five hundred dollar scholarships to high school students, high school student organizations and college students and college student organizations. If you want to be eligible for the five hundred dollar scholarship all you got to do is come out and we can get you registered there on site on February 19th. Thank you.

Mayor Wallace stated that one of the interesting aspects of the cleanup where the City and citizens come together is picking up the cigarette butts. You never realize how many people litter the community by throwing cigarette butts out of their cars.

Vice Mayor Curtis ended the meeting with an acknowledgement of the death of a friend, retired Hampton Police Detective, and an investigator with the Commonwealth Attorney's office, John David Spencer.

ADJOURNMENT

George E. Wallace
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____