



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

Wednesday, February 22, 2017

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Rollcall

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

INVOCATION - Councilmember Chris Snead

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck read a statement regarding the Peninsula Airport Commission and the Regional Air Service Enhancement Committee as it relates to the Department of Transportation's inquiries in the decision-making and use of taxpayers' funds to support People Express.

Mayor Tuck made comments and displayed photographs of illegal signs placed along the sides of roads and in the medians in Hampton. He then spoke about citizens placing yard waste and other bulk collections out days ahead of their collection schedule. His concern is that it reflects negatively upon the neighborhood and City. Yard waste (leaves and cut grass) should be disposed of in clear plastic bags so that it can be recycled. When it is placed in black plastic bags and the collectors can't see what is in them, it needlessly uses the capacity of our land fill. Additionally, people should not blow their yard waste into the streets as it ultimately ends up in the storm drains and area waterways.

CONSENT AGENDA

Clerk of Council Katherine K. Glass read the protocol for the consent agenda and a summary of the consent items.

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

1. [17-0047](#) Resolution to Accept and Appropriate Grant Funds Awarded to the City of Hampton's Fire and Rescue Division by the Virginia Office of Emergency Medical Services - FY16 Rescue Squad Assistance Fund (RSAF) and Matching Funds from the Fire and Rescue Division's FY17 Operating Budget

Attachments: [Award Letter for FY16 RSAF Grant for the purchase of 14 LifePak 1000 AEDs](#)

Item approved.

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

2. [17-0052](#) Resolution Determining Accurint Lexis Nexis Virtual Crime Center Software, which is Software that Offers Analytic Capabilities Not Offered by any other Software Application, to be the Only Source Available for These Services

Attachments: [LexisNexis AVCC Sole Source Letter - Hampton PD](#)

Item approved.

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

3. [17-0054](#) Approval of the minutes from the work and legislative sessions of January 25, 2017

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

Ordinances

Resolutions

4. [17-0027](#) Resolution Adopting the 2017 Hampton Roads Hazard Mitigation Plan Update

Attachments: [Hazard Mitigation Plan](#)
[Hazard Mitigation Plan Appendices](#)
[Presentation](#)
[Planning Commission Resolution](#)
[Presentation - PDF Format](#)

City Manager Mary Bunting introduced Deputy Director of Community Development Steve Shapiro who made a presentation on the 2017 Hampton Roads Mitigation Plan Update.

Councilwoman Schmidt commented that her concern is the property values that have decreased in the one hundred year flood plain. She had asked Water Resources Engineer Gayle Hicks how we look at the Community Rating System (CRS) rating and actively participate and it looks like we are going to move up one rating. As individuals they can install flood vents in their homes to reduce damage and asked why the Federal government is allowing reductions in rates. She asked for a presentation regarding flood vents and the process.

Ms. Bunting stated that she has asked staff to prepare a presentation which may be ready for the next meeting. She also commented on educating homeowners, realtors, insurance agents, etc. on not over-buying flood insurance. City Assessor Brian Gordineer told Ms. Bunting that City-wide we are about six percent under pre-recession levels in 2009 and noted there are a lot of reasons why waterfront properties appear to be below where we would like them to be. Ms. Bunting also mentioned that she has asked staff to move forward in changing thresholds for the

Hazard Mitigation Loan Fund.

Mr. Shapiro stated that the payback is quick, the money you spend in flood vents can be recouped in flood insurance premium savings in a couple of years.

In response to Mayor Tuck, Ms. Bunting stated the \$5,000. minimum was with the Home Elevation Program where the City was helping the homeowners with a local match of Federal/State monies. It is the intention to bring a new program to Council to lower the minimum threshold. Ms. Bunting also mentioned that the Community Rating System gives a discount off the premium for those individuals who are required to carry flood insurance. Our current rating of an 8 allows for a 10% discount. The lower the rating number the higher the discount.

Councilwoman Snead asked Mr. Shapiro how the homeowners know if they are getting the discount. Mr. Shapiro replied the discount would be printed on their statement.

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

Presented by Steve Shapiro, Deputy Director of Community Development. The Mayor opened and closed the Public Hearing and there were no speakers signed up to speak on this item.

A motion was made by Councilmember Schmidt seconded by Vice Mayor Curtis, 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

PUBLIC COMMENT

Mayor Tuck opened the Public Comment period. Ms. Glass read the protocol for the Public Comment Period.

Dr. Marilyn Salisbury made the following comment: I am here representing Alpha Kappa Alpha Sorority Inc. I am with the Virginia State Political connection activists and I am here on behalf of Mid-Atlantic Regional Director Ms. Joyce Henderson. I have two simple points. Voting rights - currently there are many issues regarding

voting rights, one of them the use of voter identification; 2) challenges to early voting and 3) cutting of funding of civil rights which includes I.D.E.A which stands for Individuals and Disabilities Education Act and title 9 which covers gender equality in education. The more than 290,000 women of Alpha Kappa Alpha Sorority which represents approximately 900 chapters and about 130 chapters of that number are for the Mid-Atlantic region. The Mid-Atlantic region is for Virginia and North Carolina. We work in solidarity for the protection of civil rights and the voting rights act to its full restoration of African American people. Restoration of voting rights is a very important issue to sorority members who reside in the Commonwealth of Virginia and the United States of America. Second point. Education - vigorous debate has been held for many years regarding proficiency and growth in the public school system. Many political advocates are interested in restructuring America's education system for predominantly public schools into private charter schools that will use educational vouchers. This would impact children throughout the country within both rural and urban communities. Specifically, for children who live in poverty. Educational studies document that many school choice programs unfortunately do not provide enough funding for families who provide for full cost of private school tuition. The more than 290,000 women of Alpha Kappa Alpha Sorority Inc. believe education is the passport to wealthy and healthy families and will work and support equitable and strong public education systems in the Commonwealth of Virginia. Thank you. Dr. Salisbury had 6 - 8 individuals with her who stood in support.

GENERAL ITEMS

Ordinances

Resolutions

5. [17-0049](#) Resolution of the City of Hampton, Virginia ("City") (i) Approving the Terms and Conditions of a Cooperation Agreement between the City and the Economic Development Authority of the City of Hampton ("EDA"), (ii) Approving the Terms and Conditions of a Memorandum of Understanding ("MOU") by and Among the City, the EDA and Hampton University ("HU"), and (iii) Authorizing the City Manager or her Authorized Designee to Execute and Deliver the Cooperation Agreement, the MOU and any and all Agreements that are in Substantial Compliance with the Aforesaid Documents with such Modifications as Agreed to by the City Staff and with the Concurrence of the City Attorney for

the Purpose of Providing Limited Bus Shuttle With a Card Reader System for HU Students from Hampton University to Downtown Hampton and the Coliseum Central Area

Attachments: [HU Bus Route Coliseum Central.pdf](#)
[HU Bus Route Downtown.pdf](#)
[HUmou.pdf](#)
[HUcoopagmt.pdf](#)

City Manager Mary Bunting made a presentation regarding transportation service for Hampton University students. She stated that at the end of the pilot program it will be evaluated. Ms. Bunting acknowledged the presence of Dr. Barbara Inman and Mr. Alexander Whitfield with Hampton University, Director of Hampton Convention & Visitor Bureau Mary Fugere and Economic Development, Redevelopment Manager Amy Jordan in support of the beneficial program.

Councilman Hobbs commented that he was part of the group that was formed and a frequent rider of the BID bus that traveled between the Downtown BID and Coliseum Central BID. The bus ride was more fun than dinner and he believes it is a great program and supports it.

A motion was made by Vice Mayor Curtis seconded by Councilmember Hobbs, 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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

6. [17-0051](#) Status of Law on Panhandling

Attachments: [Presentation](#)
[Homelessness Outreach](#)

City Manager Mary Bunting introduced Senior Assistant City Attorney Brandi Law and Assistant City Manager Steve Bond who made a presentation on the status of the law regarding panhandling.

Mayor Tuck asked if the particular instances listed under State Code have to be witnessed by a police officer. Ms. Law replied yes in order for the police officer to enforce, otherwise a citizen could take out their own summons if the violator is

known.

Vice Mayor Curtis asked about the consequence of not repealing the panhandling ordinance which could be that the City could be sued and sued successfully and put our taxpayer dollars at risk. Ms. Law agreed and noted that is even if it is not actively being enforced.

Vice Mayor Curtis commented on how much she appreciated the presentation and hopes that the citizens have an opportunity to see it. Over the years she has heard citizens' concerns about this issue. Now the public can see the restrictions that the City has over the issue and have information that will help the citizens positively deal with those who panhandle.

Ms. Bunting stated that Communications Strategist Robin McCormick has scheduled a Round Robin where the issues can be delved into more thoroughly. Also, with neighborhood civic associations and business improvement districts to give a more expansive knowledge on what we can do.

City Attorney Vanessa Valldejuli stated that a repeal will be brought to Council at the next meeting and she will keep them apprised of any new changes. Panhandling ordinances all over the country have been challenged and lost and some settlements have been enormous.

Mayor Tuck asked Ms. Valldejuli if the decisions were super majority or 5-4 decisions. Ms. Valldejuli replied that in most of the cases they were majority opinions. The local attorneys in the state are scrambling trying figure out what can be done and we need to realize that many of these people suffer from mental illness and substance abuse and need to be handled with compassion and education.

Presented by Brandi A. Law, Senior Assistant City Attorney and
Steve Bond, Assistant City Manager.

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 7:36 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____