



# 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, April 25, 2018**

**6:30 PM**

**Council Chambers**

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### **Budget Briefing / Public Hearing**

#### **CALL TO ORDER/ROLL CALL**

Mayor Tuck called the meeting to order at 6:36 p.m. with all of the members of City Council present.

**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 - Councilmember Chris Snead**

Councilwoman Snead gave the invocation.

#### **PLEDGE OF ALLEGIANCE TO FLAG**

#### **MAYOR'S COMMENTS**

Mayor Donnie Tuck made the following statement: I want to begin tonight's Mayor's comments with a personal apology. Last Saturday evening, the annual Volunteer Firefighters Service Award Ceremony and Banquet was held at the Hampton Roads Convention Center. At the conclusion of my remarks, I realized that my comments did not properly reflect the dignity that the occasion deserved. A considerable number of the volunteer medic-firefighters and members of the ladies auxiliaries who support them have served more than fifty years as volunteers. Some volunteered because volunteer firefighting was a family tradition. Others were recruited by friends. They continue to serve because it's one way of making a difference in the

City that they love and also because of the bonds that they form with those with whom they serve. Volunteer firefighters usually serve one or two days or evenings per month during which they are responsible for staffing the fire station. Occasionally, they are called upon when an extra body is needed to staff a fire truck or even an Emergency Services vehicle, or to backfill a fire station when all the other personnel are out on a call. When they serve, they serve with honor and with distinction as well as pride. Volunteer firefighters receive no compensation for their service; yet, they are expected to train and maintain the same qualifications and certifications as their paid counterparts. Since 1984, when the first volunteer firefighter company was formed in Downtown Hampton, our volunteer firefighters have served selflessly, sacrificially, as well as seamlessly. And because of their service and the support of the ladies auxiliaries, Hampton is a stronger and safer community.

Mayor Tuck also congratulated Aberdeen Elementary 2nd grader, Zion Veney, who recently published a book.

## CONSENT AGENDA

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

### Approval of the Consent Agenda

A motion was made by Vice Mayor Curtis and 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. [18-0115](#) Resolution to Accept the Donation of Playaway Audiobook players valued at \$10,000 and PlayAway Launchpad Tablets, valued at \$10,000, from the Hampton Public Library Foundation to the Hampton Public Library

**Attachments:** [Playaway Info.pdf](#)

item approved.

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

2. [18-0128](#) Resolution to Accept and Appropriate the 2019 Foster Grandparent Program Grant through the Corporation for National and Community Services

**Attachments:** [Grant Proposal Overview](#)  
[Application Confirmation](#)  
[Newport News Letter of Intent](#)

Item approved.

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

3. [18-0134](#) Approval of the minutes from the legislative session of November 8, 2017, the work session of March 28, 2018, and the legislative session of April 11, 2018.

Item approved.

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

4. [18-0142](#) Resolution to Amend the Fiscal Year 2018 Budget and Appropriate FY17 Hazmat Recovery Funds in the amount of \$10,785.92 from the Hazmat Restricted Fund Balance to the Hampton Division of Fire & Rescue

**Attachments:** [FY17 Hazmat Recovery Funds](#)

Item approved.

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

5. [18-0144](#) Resolution to Accept and Appropriate \$10,735 in Donated Funds from the Unassigned Fund Balance and Amend the Hampton Division of Fire & Rescue's FY18 Budget to Reflect this Appropriation

**Attachments:** [FY17 Donations](#)  
[FY18 Donations](#)

Item approved.

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

6. [18-0145](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 40, Article II Entitled, "Firearms and Pneumatic Guns," Sec. 40-20, to Reinstate an Ordinance Section Previously Repealed by Clerical Error

**Attachments:** [REDLINE - Section 40-20.pdf](#)

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

The Clerk read the protocol for public hearings.

7. [18-0146](#) FY 2019 Community Development Block Grant (CDBG) and Home Investment Partnership Program Annual Action Plan

**Attachments:** [FY19 Action Plan Draft](#)  
[FY19 Proposed CDBG and Home Budget](#)  
[FY2019 Presentation](#)

The Clerk read the title for the item.

City Manager Mary Bunting explained that we are proposing an action plan based upon an assumption of stable funding; however, modifications may be necessary. She reminded everyone that a Public Hearing will take place on May 2 in addition to this evening's public hearing. Council will not be asked to vote this evening.

Chief Neighborhood Development Specialist Arkeisha Whitley presented the FY2019 Proposed Consolidated Action Plan, the annual proposed budget which will be submitted to the U.S. Department of Housing and Urban Development (HUD).

Ms. Whitley stated that the City submitted a 5 year Consolidated Action Plan which detailed the proposed activities for Community Development Block Grant (CDBG)

and HOME to be performed in fiscal years 2015-2020. The following objectives were identified as priorities for the City: improve existing housing stock; provide homeownership incentives; affirmatively further fair housing; and stabilize and revitalize neighborhoods.

Ms. Whitley spoke about Federal Funding and CDBG objectives. Activities funded must be eligible under the CDBG program regulations as well as meet one of the three national objectives of the program. The national objectives include: benefit low to moderate income persons; aid in the prevention of slums and blight; or meet an urgent need in the community. Ms. Whitley noted that low to moderate income qualifications are determined by HUD and vary by household size - currently to qualify, a family of four's income had to fall below \$56,500.

Ms. Whitley continued stating that we anticipate that the CDBG funding allocation will remain at the same level as last year's funding. The program income and reimbursement allocations are estimates based on the sale of homes through the preferred builder program.

Ms. Whitley announced that the CDBG and HOME activities have not changed much from last year's Consolidated Plan. Funding from CDBG is awarded to the Hampton Redevelopment and Housing Authority to administer activities for CDBG and HOME. With the growing waitlist for housing rehabilitation assistance, we were able to increase funding to support that program this year. She continued stating that additional funding has been added to the CD Administration line to cover the costs of the Regional Housing Impediments Study that will be required to submit our next Consolidated Plan in FY 2021.

Ms. Whitley noted that as we celebrate the 50th anniversary of the Fair Housing Act, this study will help us meet our Fair Housing requirement as we identify barriers to fair housing across the region and ensure that fair housing remains a local and regional priority.

Ms. Whitley spoke about HOME Investment Partnership Program objectives. She explained that they are very similar to CDBG; however, HOME provides funding for homeownership down payment assistance and homeowner rehab funds. She noted that we estimate that our HOME funding will remain at the same level as our previous year's funding.

Ms. Whitley continued speaking about HOME activities. She stated that funds are included to support Habitat for Humanity, the City's only HUD certified Community Housing Development Organization (CHDO). This allocation assists Habitat with funding for new home projects. New Construction funds are available to assist with

the development of new homes in eligible housing venture areas in the City. We provide those costs in case developers have additional costs and we need to provide funding to meet the level subsidized by the low and moderate income level.

Ms. Whitley shared the schedule for submitting the Annual Action Plan and opened the floor for questions from those on the dais.

Mayor Tuck inquired about success records of those who have qualified for home buying assistance programs.

Ms. Whitley stated that while she did not have that information at hand, she would work with the Housing Authority to gather that information. She noted that 171 home buyers have been assisted since we have had the grant.

PUBLIC HEARING:

Mayor Tuck opened the public hearing. As there were no speakers, Mayor Tuck closed the public hearing and reiterated that no action is to be taken on this item.

8. [18-0147](#) Public Hearing and Vote on the Recommended Fiscal Year 2019-2023 Capital Improvement Plan (CIP)

**Attachments:** [FY2019 CIP by Council Strategic Priorities](#)

The Clerk read the title for the item.

Ms. Bunting reminded everyone that a presentation on the CIP was given at today's work session. The information is also available on the internet and on replay on our City station.

Ms. Bunting explained that a Capital Improvement Plan is a five year expenditure plan; however, we can only accurately predict the first year of that plan. She continued stating that the first year rolls into the Manager's Recommended Budget; the remaining years are intended to show the rating agencies that we are being fiscally responsible by taking care of our facilities and considering additional needs of our community and not borrowing more than we should. She clarified that while the full 5 year plan is presented, years 2-5 of the plan will most likely change.

For the record, Councilman Gray clarified that he is in support of the 5 year CIP because it includes various important projects such as drainage and firefighting projects that are important to our citizens and the community; however, he is not in support of funding for the Aquatics Center mainly because the partnerships with Langley Air Force Base and universities have not yet materialized.

For the record, Councilman Moffett clarified that he, too, is in support of the CIP; however, is in opposition of the Aquatics Center. He said he is also uncomfortable with the numbers projected for the economic impact and that in his opinion, the facility will exceed the \$20 million in cost, not including the annual subsidies. He emphasized that the focus should be on other infrastructure needs.

Mayor Tuck commented that in years past, if he disagreed with an item in the CIP, he voted against the entire thing; however believes that is not wise. He stated that he would vote in favor of the CIP, but is also not in support of the Aquatics Center.

Mayor Tuck opened the public hearing. There were no speakers. Mayor Tuck closed the public hearing and called for the motion.

Following the public hearing, a motion was made by Vice Mayor Curtis seconded by Councilmember Snead, that this Public Hearing 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

9. [18-0017](#) Public Hearing to Receive Citizens' Comments Regarding the City Manager's Recommended Budget for Fiscal Year 2019

The Clerk read the title for the item.

For the benefit of the public, Ms. Bunting reminded everyone that this is the first public hearing on the item. The second public hearing will take place on May 2, at which time the first vote will also be taken. The second reading will be held at the May 9th council meeting.

PUBLIC HEARING:

Mayor Tuck opened the public hearing.

Mr. Chuck Nicolls greeted those on dais and made the following statement: I am the President of the Hampton Professional Firefighters Association. We have some concerns about the elimination of the Battalion Chief Position out of the budget. Our first concern is about the upper mobility of advancement of fire fighters going through the ranks that would eliminate that one position. Our second concern is the exempt to non-exempt part of this. We are going to have to pull somebody from the floor which will probably be a non-exempt position and create more overtime. Our third (concern) is many years ago, when Councilman Gray was Fire Chief, we were

committed to four firefighters on the fire truck. This is really going away from that commitment, we feel. So, with that, we'd ask that the Battalion Chief Position not be eliminated. Thank you for your time.

The Mayor closed the public hearing and reiterated that this item does not require action this evening and then he closed the public hearing.

## **Ordinances**

### **PUBLIC COMMENT**

The Clerk read the protocol for the public comment period.

Ms. Chelsea Hopewell greeted those on the dais and made the following statement: My comments tonight are that I am a concerned citizen and a homeowner with concerns about traffic safety in my neighborhood. On Big Bethel Road, which is the adjacent street that I live off of, there is an extra fine of \$200, but drivers still speed there and there are children playing and walking, and riding their bikes. I have a nephew who comes to visit me and I am concerned about safety. At the actual corner that I live (at), there have been five accidents already, and I've only lived there under a year at this point. The first accident that I noticed was on July 14th. I have pictures to support everything. There's also police reports. The next accident was an accident that involved my property in which my garage was demolished, and it took about seven months to get it back together. The next accident was where an actual traffic sign was knocked over during the winter storms that we had earlier this year. I called and reported that and they eventually got that up and running. The most recent accident was actually last Saturday, the 14th or Saturday before last when an actual vehicle came down Big Bethel Road and ended up on the other side in the neighbor's house and it demolished two of their cars. Basically, my concern is that I have contacted the City, 311 services and asked for a traffic study to be done. Someone from the Public Works Department did contact me back and indicated that they are waiting for police reports on all of these issues and I'm just basically asking the Council members and the City to work with the neighborhood residents to get traffic safety under control because it can lead to a fatality, I do believe so. Thank you.

Mayor Tuck suggested Ms. Hopewell speak to Public Works Director Lynn Allsbrook, who was in the audience.

In response to Councilman Gray, Ms. Hopewell reiterated that the problem area is located at the corner of Roberta Drive and Big Bethel Road.

Mr. Thomas Yager greeted those on the dais and made the following statement: I



appreciate the opportunity to address an issue we had back on April 6th. We have a broom item here tonight representing the Hampton Mercury Lions Club. It is interesting that the awards I saw earlier are on clean streets. We police Powhatan Parkway as part of the clean streets program. We've been doing it once a month now for the last three years. Anyhow, that being aside, the main reason I am here is that every year, we have a broom sale on the corner of Mercury Boulevard and Foxhill Road. Now, I agree that that is a very busy intersection, not as busy as Armistead and Mercury, but it is busy. We put up signs describing the broom sale on the Monday before the event which is on Saturday, April 7th, rather than April 6th. On Wednesday morning, one of our members drove by that location at Mercury and Foxhill Road and not only were our two signs missing, but several signs by different politicians. We took measurements of where we located our signs and they were 15 feet from the roadway on Mercury Boulevard and 15 feet from the roadway on Foxhill Road. We had two signs put up. They were within the property of 7-11 which is on the corner there alongside the sidewalk that was on Mercury and Foxhill. So, we didn't know what to think and then somebody said..Well, let's see what the City says and they said if we took them, they were in the right-of-way. I spent a couple of hours this afternoon on your website looking at Hampton City regulations and I couldn't find the definition of right-of-way. Anyhow, if indeed you did pick up these signs, are they available and can they be returned to us? There's two of them. They cost \$60 apiece with the stakes to support them and we'd like to get the signs back if at all possible. I appreciate your attention.

Mayor Tuck commented that inspectors are diligent about removing signs in the right-of-way; however, he understands Mr. Yager's situation. He suggested Mr. Yager speak to Public Works Director Lynn Allsbrook. He also asked the City Manager to speak on whether the City can consider keeping signs temporarily so that groups can have an opportunity to reclaim them. He noted if the signs Mr. Yager spoke of were collected approximately 2 weeks ago, then they may not be in the Public Works Department's possession. He also inquired about possible exceptions to the rule.

City Attorney Vanessa Valdejulli clarified that the City does not keep signs and cannot make exceptions because what we do for one organization, we must do for every organization; and the City does not have enough staff to accommodate every organization. She explained that the right-of-way is public property whether on a median or on sides of the roads. She agreed with Mr. Yager in that we need to find out the property line of the 7-11. She added that the signs staff picks up are in the Property Maintenance Division; however, these specific signs may not be there at this point.

Ms. Bunting noted that she would have Mr. Phil Russell of the Property Maintenance

Division contact Mr. Yager. She also emphasized that staff picks up signs in an attempt to maintain a nice appearance. She said she is willing to work on a solution to where the City could hold signs temporarily providing an opportunity for people to retrieve them.

Ms. Bunting reminded everyone that our GIS system is available online so that people can determine ahead of time whether their signs will be in the right-of-way. She also suggested staff prepare a proposal for Council which will describe how we can resolve the matter.

Mr. Jack Robinson signed up to speak; however, was not present when his name was called.

Ms. Carole Garrison greeted those on the dais and made the following statement: I am here to thank you. I spoke in front of Council on two separate occasions and I am here to thank you for taking care of those two items. The first one was the parking over at the Ruppert Sargent Building. I went there and it's hard to see when you are making a U-turn to find the redevelopment sign that says you're going to get towed. The day I went in there, the DMV and the Treasurer's Office were packed and they were just towing cars left and right and those people were in there; half of them were military, and they didn't know their cars were being towed. I've talked to the City Manager about it and she indicated she had been watching that and she noticed employees were taking up part of that (parking). I wanted to come and thank you personally because when I went over there this week, there was visitor parking and you could actually park across the street, so I wanted to thank you, Ms. Bunting, for taking care of that. The other thing I wanted to thank both the Council and Parks and Recreation Director Kevin Myers - I had come to talk to you all about the long arm. I didn't explain what the long arm was at the time and several of you who had several other systems asked me what it was. It is a large sewing machine that moves back and forth across these rails about the size of a large conference table. It was donated to the City by someone. They are expensive machines and someone gave it to the City. That week, Mr. Myers sent it out for maintenance which has to be done every year, and it came back and works great. They also ordered the component we needed to computerize it which was why the other quilters were here. So, I just wanted to thank you for that. It's at the North Phoebus Community Center. I was also surprised at how many people didn't even know it was there or that there was a quilting booth there. So, I wanted to thank you again.

Ms. Shiela Bishop signed up to speak; however, was not present when her name was called.

Mr. Edwin Boone greeted those on the dais and made the following statement: At

the last City Council meeting, I dedicated a poem that I wrote. "You Thought You Killed My Brother". This is still the same month when Dr. King got assassinated 50 years ago. So, I would like to introduce another poem. The first one was physical, this one here is the spiritual aspect of Dr. King. Ephesians 6:12. We wrestle not with flesh and blood, but against principalities, against powers, against rulers of the darkness, against spiritual wickedness in high places.

Mr. Boone recited his poem "Insight" and proceeded to continue with his statement: Martin Luther King was also political, so the Insight group endorses Michael Harris and William Billy Spencer for the May 1, 2018 election. Thank you.

Mr. Angelo Suggs Jr., signed up to speak; however, was not present when his name was called.

## **GENERAL ITEMS**

### **Ordinances**

### **Resolutions**

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

Vice Mayor Curtis reminded those present of the upcoming Ultra Run which takes place at Sandy Bottom Park and is a fundraiser for the American Cancer Society.

Mayor Tuck reminded citizens to vote on May 1st. He also shared that Hampton University is celebrating its 150th anniversary and Dr. Harvey's 40th anniversary as President of the university this weekend and that Ft. Eustis is celebrating its 100th anniversary. Mayor Tuck will lead a bike ride beginning at the Carousel on May 1st.

## **MISCELLANEOUS NEW BUSINESS**

## **ADJOURNMENT**

The meeting adjourned at 7:20 p.m.

**Contact Info:**  
**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_