



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, October 25, 2017

6:30 PM

**Jones Magnet Middle
School, 1819 Nickerson
Blvd., Hampton, VA
23663**

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present except for Councilman Hobbs.

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

Excused: 1 - Councilmember Billy Hobbs

DONNIE R. TUCK PRESIDED

INVOCATION - Councilman Jimmy Gray

Councilman Gray gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck stated that Councilman Hobbs is traveling this evening and unable to participate in the meeting. He announced that Senior Deputy City Attorney Patricia Melochick will be filling in for City Attorney Vanessa Valldejuli. He also noted that Assistant City Manager Steven Bond will be filling in for City Manager Mary Bunting, who is traveling on City business.

Mayor Tuck stated that this is expected to be City Council's last meeting at Jones Magnet Middle School, as the renovations to Council Chambers are expected to be complete by the November meeting.

CONSENT AGENDA

Clerk of Council Katherine K. Glass read the protocol for the Consent Agenda and a summary of the Consent Agenda Items.

Councilwoman Snead requested that Agenda Item #3 (17-0317) be pulled from the Consent Agenda.

3. [17-0317](#) Resolution Changing the Name of the "Youth Violence Prevention Office" to the "Office of Youth and Young Adult Opportunities"

Councilwoman Snead noted that this office serves both youth and young adults up to the age of 24. As such, she proposed that the name be changed to Office of Youth and Young Adult Opportunities.

Councilwoman Snead made a motion to approve 17-0317 with a change in the name of the office from "Youth Violence Prevention Office" to "Office of Youth and Young Adult Opportunities." The motion was seconded by Councilmember Moffett and carried by the following vote:

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

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

1. [17-0327](#) Approval of the Minutes from the Work and Legislative Sessions of October 11, 2017
Item approved.

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

2. [17-0334](#) Ordinance To Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Article IV, Chapter 5 Entitled “Dog and Cat Licenses”, Section 5-53 Entitled “Tax imposed”, to Clarify the Fees Imposed for Animal Licenses

Attachments: [Redline](#)

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

As there were no speakers for Public Hearings, Ms. Glass did not read the protocol.

Ordinances

4. [17-0329](#) Ordinance Approving the Vacation of an Alley Intersecting 500 N. First Street, Comprising 675 Square Feet (0.0155 Acre), More or Less, to Spratley Metts Kay and Robert F. Kay, Jr. Pursuant to Chapter 34, Article V of the Code for the City of Hampton

Attachments: [Agreement](#)

Mr. Bond introduced this item and noted that this is a standard encroachment involving a little more than one hundredth of an acre. There will be compensation in the amount of \$300, which is the value of the land.

As there were no speakers for this item, Mayor Tuck opened and closed the Public Hearing and call for the motion.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Snead, that this Ordinance-Non-coded be approved. The motion carried by the following vote:

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

Resolutions

5. [17-0186](#) Resolution Requesting the Commonwealth Transportation Board Remove the Limited Access on Aberdeen Road in the City of Hampton, Virginia from Pembroke Avenue to the Newport News, Virginia City Line

Attachments: [Presentation](#)

Mr. Bond stated that this item involves improvements made to the former Virginia School for the Deaf, Blind and Multidisabled. These would improve the truck flow and prepare the site for marketing. He introduced Mr. Lynn Allsbrook, Public Works Director, who presented this item to Council.

Councilwoman Schmidt asked if this was similar to what was referred to as “service lanes” on Mercury Boulevard. Mr. Allsbrook stated that this was actually a street. She asked if this road was going to be expanded. Mr. Allsbrook stated that the road will remain the way it is today. The only change the City would consider is adding a southbound left turn lane. He noted that the City is required to go through this process to remove the Limited Access designation, and it has been done previously on a number of roads throughout the City.

As there were no speakers for this item, Mayor Tuck opened and closed the Public Hearing and called for the motion.

Following a presentation from Lynn Allsbrook, Director of Public Works, a motion was made by Vice Mayor Curtis and seconded by Councilmember Snead, that this Resolution be approved.

The motion carried by the following vote:

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

6. [17-0333](#) Resolution of the City Council of the City of Hampton, Virginia to Amend the Fiscal Year 2018 Council Approved Budget to Include and Authorize the Appropriation of General Obligation Bond Anticipation Note Proceeds in the Amount of \$9,250,000 to the Capital Budget of the City of Hampton; and the Transfer of

\$9,200,000 of the Amount to the Economic Development
Authority for the Purchase of the Boo Williams Sportsplex

Mr. Bond stated that this item would amend the Capital Budget, to include \$9.2 million for the Economic Development Authority for the purchase of the facility and the remaining \$50,000 to cover the cost of the bond issuance.

As there were no speakers for this item, Mayor Tuck opened and closed the Public Hearing and called for the motion.

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

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

PUBLIC COMMENT

Ms. Glass read the protocol for the Public Comment session.

Mr. Donald Hunt greeted those on the dais and made the following statement: I've lived here all my life. I'm here in reference to a - probably ought to be called a zoning matter relative to 17 E Virginia Avenue. It's a piece of property that my daughter inherited and I worked on it 30 years ago, before she was even born. It appears that the Zoning Department sent us a letter back in September where they're saying that the property was basically non-conforming, it was not permitted in that zone. And in the early '80's when I did the work on it, I did have inspections and what-have-you done on the property, and 30 years later, somebody's inherited it, they're indicating that it's, I guess you say "unlawful" in that area. I did contact the City in reference to finding out whatever documents they had on the property, because they indicated they did not have any record of it. I know 30 years is a long time; however, I think after 30 years, to come back and say that the property cannot be used as two apartments, especially since all the other areas are residences - a lot of the residences in the area are the same. I indicated to them that it had to be some kind of inspections and approval, even though you have no record, because the only way you can - at that time, even then - to get power, is to have it approved by the City departments before Virginia Electric Power Company, at that time, could issue a permit for occupancy. I'm here tonight to ask that the City find a way - even if you put in a zoning appeal, they want you to pay for it - to resolve this matter in an equitable fashion, because I think after 30 years, to come back and say "well, it took us 30 years to find this out," is a little unusual - highly unusual. So that's what I'd like to have the City do - to find a way through zoning or whatever you can to resolve

this matter. Thank you for your time.

Mayor Tuck indicated that there are several City staff in the audience that would be able to follow up with Mr. Hunt to try and resolve this issue.

There were no additional speakers for Public Comment.

GENERAL ITEMS

Ordinances

7. [17-0330](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Section 24-39 of Chapter 24 Entitled, "Open Storage of Inoperable Vehicles on Property Zoned for Residential Purposes," to Make That Section Consistent with Applicable State Code Authority

Attachments: [Redline - amended](#)
[Redline](#)

Mr. Bond noted that at the October 11th Legislative Session, Council received a briefing on suggested changes to the ordinance. Staff has proposed revisions to the resolution to present to Council this evening. He introduced Deputy City Attorney Brandi Law to provide those revisions.

Ms. Law gave a brief summary of the previously proposed ordinance changes. She noted that these changes would be effective January 1, 2018, which will give citizens time to make arrangements to be in compliance.

Ms. Law stated that there have been a few additional changes since the proposed changes were submitted in the Council packets. One was a typographical error, where a subsection was repeated in error. There were also some questions from Council about the language in paragraph (b), so staff made some edits to clarify the language while keeping within the State Code, to include removing two commas and changing the following language:

Original Proposal: "outside of a fully enclosed building or structure"
Edited Proposal: "are shielded or screened from view"

Ms. Law stated that this change in language should make clear that residents are limited to two inoperable vehicles and they are required to be shielded or screened.

Councilman Moffett noted that citizens will have two months to adjust to this change

in ordinance. He asked for clarification or expansion on the notification process, questioning how the City was going to make sure the citizenry was properly informed of these changes. Mr. Phil Russell, Property Maintenance Division Manager, noted that staff is working with Marketing to launch a full campaign if this proposal is approved. Inspectors will also be out in the City, informing people of what needs to be done or how the changes will occur. He stated that unless otherwise directed, they will also continue with their current violation notification system of 60 days.

Councilman Gray stated that he understands the City needs changes like this in its ordinances to help make neighborhoods look better. He noted that this ordinance change could have unintended consequences to those who are under financial strain. He asked if the City would grant additional time for those who need it. Mr. Russell stated that this is something the City currently deals with. He noted that he is working in conjunction with Legal on the notification system. He stated that if citizens work with inspectors and explain circumstances, the City is willing to work with them on timelines. The intention is not to put a burden on anyone.

Mayor Tuck asked how this ordinance was going to be enforced, because they have to be observed from ground level. He asked if inspectors would be looking over fences. Mr. Russell stated that this is also an issue they currently deal with. Inspectors have to be able to observe the violation from an area where they are entitled to be. They cannot look over fences on a ladder, but sometimes neighbors allow inspectors to observe the violations from their yard. If this is approached in a professional manner, he believes this will do a lot to clean up the City.

Presented by Brandi Law, Deputy City Attorney, and Phil Russell, Property Maintenance Division Manager. A motion was made by Councilmember Schmidt and seconded by Councilmember Gray, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

Resolutions

8. [17-0303](#) Resolution Approving a Cooperation Agreement Between the City of Hampton, Virginia and the Economic Development Authority of the City of Hampton, Virginia and Authorizing the Execution of That Agreement and Related Documents to Facilitate the Acquisition and Subsequent Lease of the Boo

Williams Sportsplex

Attachments: [Cooperation Agreement](#)

Mr. Bond stated that this Resolution would grant the Economic Development Authority the authority to execute the necessary documents for the purchase and lease of the Sportsplex.

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

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Mr. Bond made the following statement: It was brought to my attention that I need to correct some information provided at the October 11, 2017, meeting. At that meeting, Item #17-0319, Resolution of Endorsement of FY19-20 Transportation Alternatives Set-Aside Projects (TAP), was considered under General Items. However, it was advertised and announced that there was a Public Hearing held that evening. There was no Public Hearing held that evening, so while a presentation was given at that time, no public hearing was actually held; nor is one required by the Virginia Department of Transportation (VDOT) at this stage of the submission of candidate projects. We apologize for any inconvenience this may have created for our citizens.

Mr. Bond continued: The purpose of the City's candidate projects is to enhance pedestrian and bicycle facilities and amenities in the Downtown Hampton area. A public information meeting was held on September 20, 2017, in the Hampton City Hall lobby at 22 Lincoln Street. The information session satisfies the VDOT requirement for submission of the City's application for the program. The application is also available for public review through tomorrow, October 26th, at the City's Public Works Engineering Services office located on the 4th floor of City Hall. The application will be submitted to VDOT no later than November 1, 2017. Once again, we apologize for any inconvenience this may have caused.

MISCELLANEOUS NEW BUSINESS

Mayor Tuck announced that he has a Mayor's Town Hall Forum that will be held October 26th at 6:00 p.m. at the First United Methodist Church.

Vice Mayor Curtis noted that this past weekend was the beginning of Hampton University's 150th Anniversary and Dr. William R. Harvey's 40th Anniversary as

President of the University. There will be events going on throughout the year to celebrate those two anniversaries.

Vice Mayor Curtis stated that on October 21st, NASA held an open house. It was a fantastic event with over 20,000 people attending. She stated that NASA is a treasure for the City and the public rarely gets to see what is inside the gates.

Vice Mayor Curtis noted that on October 7th, the City held a Home Repair Blitz in the Old Northampton neighborhood. It was the largest blitz ever done with over 300 volunteers working on 28 house and the Y.H. Thomas Community Center. She shared a note of gratitude from one of the citizens who received assistance with their residence.

Mayor Tuck thanked the School Board for allowing City Council to use various properties while Council Chambers is under maintenance, and reminded citizens that the November 8th meeting is expected to be held in Chambers.

ADJOURNMENT

The meeting adjourned at 7:09 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____