



City of Hampton

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

Notice of Action 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, December 13, 2017

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:31 p.m. with all 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

INVOCATION - Councilmember Will Moffett

Councilman Moffett gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck stated that Cub Scouts from Pack 13 of First United Church of Christ were present observing the meeting and welcomed them. He also thanked Edith Knight-Hunt for her assistance with the holiday decorations in City Council Chambers.

Mayor Tuck shared and he and Councilman Gray recently attending a National League of Cities meeting where Hampton was awarded the Digital Cities award. Councilman Gray presented the award to Mat Givan, Information Technologies Service Manager, and Dacia Walker, Website Manager.

The Mayor also recognized Christian Graves, a 7 year old who recently raised over \$1,200 in dimes to give to charities supporting homeless veterans.

Mayor Tuck then recognized the winners of this year's holiday card contest and the members of Council presented them with City coins, a cash award, and a package of the cards they created. This year's winners were:

Phoebe Bills - Kecoughtan High School
Noah Price - Kecoughtan High School
Victoria Morgan - Bethel High School
Haley Ullery - Bethel High School
Diana McDavis - Phoebus High School
Mohammad Issa - Hampton High School

CONSENT AGENDA

Approval of the Consent Agenda

Motion made by Councilmember Schmidt, seconded by Councilmember Snead, 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. [17-0296](#) Resolution to Amend the Fiscal Year 2018 Council Approved Budget and Accept and Appropriate the 2018 Virginia Domestic Violence Victim Fund Grant ("DVVF Grant") Awarded by the Virginia Department of Criminal Justice Services to the City of Hampton, Virginia

Item approved.

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

2. [17-0350](#) Resolution to Amend the Approved Fiscal Year 2018 Council

Approved Budget by Accepting and Appropriating the Fiscal Year 2017 Local Emergency Management Performance ("LEMP") Grant as Awarded by the Virginia Department of Emergency Management to the City of Hampton, Virginia ("City")
Item approved.

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

3. [17-0359](#) Resolution Requesting VDOT to Add the Attached List of Streets to the State "Principal/Minor Arterial and Collector/Local" Street List

Item approved.

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

4. [17-0366](#) Approval of the minutes from the work session of December 14, 2016 and the work session of November 8, 2017.

Item approved.

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

5. [17-0372](#) Resolution Determining Commonwealth Centers for High Performance Organizations, Inc. to be the Only Source Practicably Available From Which to Procure Organizational Leadership Training Using the High Performance Organization Model

Item approved.

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

6. [17-0373](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to Benjamin's Landing Homeowners'

Association, Inc., Comprising 125 Square Feet, More or Less, to Replace Its Neighborhood Sign on Aspenwood Drive
Item approved.

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

7. [17-0381](#) Resolution Requesting the Virginia Department of Transportation to Designate the North King Street Streetscape Improvement Project (Phase IV) and the Pine Chapel Road Trail Project as Urban System Highway Projects and Eligible for the Allocation of Urban Formula Funds

Item approved.

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

8. [17-0383](#) Resolution Appropriating \$21,960.00 of Fund Balance 01-38078 to the Fiscal Year 2018 Operating Budget of the City Attorney as Authorized by Virginia Code §58.1-3969

Item approved.

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

9. [17-0384](#) Resolution Amending the Fiscal Year 2018 City Council Approved Budget by Appropriating \$175,570.72 Received from Hampton Roads Sanitation District to the Capital Projects Fund for Design and Construction Cost of the Replacement of Bridge Street Bridge

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

10. [17-0387](#) Resolution (i) Authorizing the Execution of an Amended and Restated Memorandum of Understanding by and Among the Peninsula Town Center Community Development Authority and T Peninsula Axis VA, LLC, T Peninsula Hotel VA, LLC, and Peninsula Parking Lot VA, LLC and an Amended and Restated Collection Agreement With the Peninsula Town Center Community Development Authority and the Successors and Assigns of Hampton Mall Associates, J. C. Penney Properties, Inc. and Target Corporation in Connection With the Issuance of Special Obligation Refunding Bonds, Series 2018 , and (ii) Approving the Issuance of the Series 2018 Bonds by the Community Development Authority

A motion was made by Councilmember Gray and seconded by Councilmember Moffett, that this Resolution be deferred to the City Council Legislative Session, due back on 1/10/2018. 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

11. [17-0388](#) An Ordinance Amending Non-Coded Ordinance Number 1026 as Amended by Non-Coded Ordinance Number 1043 Entitled "Ordinance Establishing a Special Assessment for the Peninsula Town Center Community Development Authority and Authorizing an Amended and Restated Collection Agreement with the Community Development Authority"

A motion was made by Councilmember Gray and seconded by Councilmember Moffett, that this Ordinance-Non-coded be deferred to the City Council Legislative Session, due back on 1/10/2018. 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

12. [17-0369](#) Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article 7 Entitled, "Phoebus Districts". Approval of this amendment would eliminate the three story restriction on building height while maintaining the overall 50' maximum height
- Michael Hayes, Chief Planner, presented information. A public hearing was held with no speakers present to speak on this item.

A motion was made by Councilmember Schmidt and seconded by Councilmember Snead, that this Zoning Ordinance - Text 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

13. [17-0374](#) Ordinance to Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining to the Definitions of Public School and Private School
- Tolu Ibikunle, City Planner, presented information on items 1-0374 and 17-0375. A joint public hearing was held on both items with no speakers present to speak on these items.

A motion was made by Councilmember Hobbs and seconded by Councilmember Snead, that this Zoning Ordinance - Text 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

14. [17-0375](#) Ordinance to Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-2 Pertaining to Dance Schools and Business Schools
- Tolu Ibikunle, City Planner, presented information on items 1-0374 and 17-0375. A joint public hearing was held on both items with no speakers present to speak on these items.

A motion was made by Councilmember Gray and seconded by Councilmember Snead, that this Zoning Ordinance - Text 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

15. [17-0377](#) Rezoning Application No. 16-00008 by Jonah Z, LLC to rezone approximately 9.9 acres of vacant land located at 56 Butler Farm Road [LRSN 13004560] from One Family Residential District R-11 to Limited Commercial District C-2 with proffered conditions Tolu Ibikunle, City Planner, presented information. The applicant's representative, Lindsey A. Carney, also gave a presentation. A public hearing was held with two speakers in opposition to this item.

A motion was made by Councilmember Hobbs and seconded by Councilmember Snead, that this Zoning Ordinance - Map be approved with seven (7) conditions. 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

16. [17-0379](#) Ordinance Authorizing the Conveyance of Remnants of 105 Saunders Road (LRSN 5001411), comprising 9,179 square feet (0.2107 acre), more or less, and 107 Saunders Road (LRSN 5001407), comprising 10,763 square feet (0.2471 acre), more or less, to Floyd and Lois Chilcott pursuant to Code of Virginia § 15.2-1800(B)

The City Manager provided information on this item. A public hearing was held with no speakers present to speak on this item.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that this Ordinance-Non-coded 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

17. [17-0370](#) Use Permit Application No 17-00012 by David Swartz at 1619 W Pembroke Ave [LRSN: 1002424] to permit the operation of a vehicle storage lot

Charles "Porter" Stevens, Chief Planner, presented information. The applicant, David Swartz, also presented information. A public hearing was held with no speakers present to speak on this item.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this Use Permit be approved with eleven (11) conditions. 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

18. [17-0376](#) Use Permit Application No. 17-00011 by David Riddick to allow the operation of a private school at Central United Methodist Church, 227 Chapel Street [LRSN 2001911]

Tolu Ibikunle, City Planner, presented information. A public hearing was held with several speakers present to speak on this item. All speakers were in support of the application.

A motion was made by Councilmember Gray and seconded by Councilmember Moffett, that this Use Permit be approved with seven (7) conditions. 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

19. [17-0386](#) Resolution Authorizing the Execution of a License Agreement with the Downtown Hampton Development Partnership, Inc. Over Three Portions of the City-Owned Property Known as Carousel Park for the Purpose of Conducting Additional Park Activities

Alison Eubank, Placemaking Planner, presented information. A public hearing was held with one speaker present to speak on this item.

A motion was made by Vice Mayor Curtis and 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

PUBLIC COMMENT

David Hites spoke about the Peninsula Alcohol Safety Action Program board.

GENERAL ITEMS

Ordinances

Resolutions

20. [17-0362](#) Resolution Authorizing the Acceptance of 71.8 ± Acres of Real Property Located Adjacent to Grundland Creek Park, RPC Number: 10001024, From Marina Tsakis-Skea, Nanette K. Phillips and Jon D. Tsakis, to be Used by the City of Hampton for Conservation Purposes as Set Forth Under IRC § 26 CFR 1.170 A-14 (d) (3), as Required by the Conditions of the Gift
- Vanessa Valldejuli, City Attorney, presented information on this item and also shared that Mr. Tsakis was present earlier in the evening and left a framed photograph of the property in question that he wished to give to the City Council.

A motion was made by Councilmember Schmidt and 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

21. [17-0382](#) Resolution Requesting the Virginia Department of Transportation Program a New Capital Project Study into Its 6-Year Improvement Plan ("SYIP") with Urban System Allocations for the Coliseum Drive Extension Segment B Project Study

The City Manager summarized this item and indicated that John Yorks, City Engineer, was present to do a formal presentation if Council wished.

A motion was made by Vice Mayor Curtis and 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

Appointments

22. [17-0395](#) Consideration of appointments to Hampton Employees Retirement System Board (HERS)

A motion was made by Vice Mayor Curtis that Carolyn Bowers be appointed in the place of Suzanna Scott and that Vizel Townsend be appointed in the place of Pat McFadden. 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

23. [17-0067](#) Consideration of appointments to the Citizens Police Advisory Group

A motion was made by Vice Mayor Curtis that the following individuals be appointed with their terms to be designated at a later date: Elizabeth Andrews, William Beach, Robert Boester, Ann Cherry, John Gately, Andrew McCloud, Lamont Moss, Charles Powell, and Angelo Suggs, Jr. A few additional appointments are anticipated in January. 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

24. [17-0393](#) Consideration of appointments to Citizens' Engagement Advisory Review Commission (CEARC)

A motion was made by Vice Mayor Curtis that Corey Palmer be appointed to serve until March 30, 2019, and that Debra Hudgins and Crystal Carrington be appointed to serve until June 30, 2020. 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

25. [17-0325](#) Consideration of appointments to Citizens Unity Commission (CUC)

A motion was made by Vice Mayor Curtis that Dr. Kevin C. Jones be appointed until June 30, 2019, and that Devinn S. Smart be appointed until June 30, 2021. 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

26. [17-0380](#) Consideration of appointments to Coliseum Advisory Committee

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 1/10/2018. 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

27. [17-0060](#) Consideration of appointments to H2O Community Development Authority
No action.

28. [17-0391](#) Consideration of appointments to Hampton Clean City Commission

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 1/10/2018. 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

29. [17-0385](#) Consideration of appointments to Wetlands Board

A motion was made by Vice Mayor Curtis that Jeff Amick be reappointed until December 31, 2021, and that Lynn France be appointed as an alternate. 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

30. [17-0162](#) Consideration of appointments to Athletic Hall of Fame

A motion was made by Vice Mayor Curtis that Woube Gebre be reappointed until June 30, 2020, and that Marcellus "Boo" Williams be reappointed to a first full term until June 30, 2020. One vacancy will be addressed at a later date. 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

There were no reports.

MISCELLANEOUS NEW BUSINESS

Councilwoman Chris Snead wished everyone a Merry Christmas and a Happy New Year after which the City Council, City Manager and City Attorney sang, "We Wish You a Merry Christmas."

Vice Mayor Curtis stated that she attended the recent ribbon cutting for the maternity center at Sentara Hampton General and shared that they expect on January 1, 2018, a baby to be born in Hampton for the first time in nine years. Councilman Hobbs shared fond memories of his first grandson being born at Sentara.

Vice Mayor Curtis also shared that the Hampton Police Division deserved kudos for holding its first Ministers' Police Academy which was an eleven week program where between 13 and 15 local ministers learned a great deal about the Hampton Police Division and the decisions law enforcement personnel must make on a daily basis. The ministers expressed how much they learned from and appreciated this activity.

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

Contact Info:
Clerk of Council, 757-727-6315, council@hampton.gov