



# 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 Jimmy Gray*  
*Councilmember Eleanor Weston Brown*  
*Councilmember Steven L. Brown*  
*Councilmember Linda D. Curtis*  
*Councilmember W.H. "Billy" Hobbs*  
*Councilmember Chris Snead*

*STAFF: Mary Bunting, City Manager*  
*Cheran Cordell Ivery, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, August 8, 2018**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. with all members of the City Council present with the exception of Councilwoman Curtis who is on vacation.

**Present:** 6 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

**Excused:** 1 - Councilmember Linda D. Curtis

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilmember Eleanor Weston Brown

Councilwoman Brown gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck recognized the 50th anniversary of Bluewater Yacht Sales and presented Chris Hall and his son, Chris Hall, Jr., with a commemorative plaque.

He also recognized Venezia Arielle Jimenez, a Special Olympian, who was accompanied by Phyllis Porter. Ms. Jimenez represented Virginia in the Special Olympic games in Seattle,

Washington where she received a Silver Medal for the Mini Javelin Throw among other recognitions.

Chris Hall thanked Council for the recognition and noted that he is pleased that his company is based in Hampton, a City with such great history.

Both honorees were photographed with the members of Council.

## CONSENT AGENDA

Clerk of Council Katherine Glass read the protocol for the consent agenda.

Items #8 and 10 were pulled from the consent agenda for separate discussion. Information was provided by Wanda Rogers, Director of Human Services.

8. [18-0273](#) Resolution Approving the City Hampton, Virginia's Participation in and Appropriation of the 2017 Continuum of Care (CoC) Housing Crisis Hotline Grant through the U. S. Department of Housing and Urban Development (HUD)

**Attachments:** [City Grant Packet](#)  
[Sub-Recipient Agreement](#)  
[Award Letter](#)  
[Agreement](#)

City Manager Mary Bunting introduced Human Services Director Wanda Rogers to provide the report on the Housing Crisis Hotline Grant.

Ms. Rogers reminded everyone that signs are posted throughout the City with hotline information - this is one of the means which supports the strategic plan to end homelessness on the Peninsula. Ms. Rogers noted that the Virginia Homeless Solutions Program and the Housing Hotline are two entities which help provide services to the homeless.

Ms. Rogers shared information about the hotline process. The hotline accepts calls Monday-Friday from 8:00 AM-7:00PM. Occasionally the line closes on Fridays for a short period of time to allow for staff meetings. The hotline received 1,194 calls during the month of July, of which 89.8% were answered live and 81.4% were

answered within 45 seconds. She noted that the Department of Human Services is also available on the weekends to provide immediate assessments.

Ms. Rogers added that the hotline is mandated by the U.S. Department of Housing and Urban Development (HUD) which requires the assessment to be a coordinated effort by localities which receive funding from the Federal Government. Six jurisdictions (Hampton, Newport News, Poquoson, Williamsburg, James City County and York County) make up the greater Virginia Peninsula. All six jurisdictions encourage homeless individuals to call 757-587-4202 so that what is being done to assist individuals in need of services (including permanent housing solutions) can be properly monitored and tracked.

Ms. Rogers opened the floor for questions and comments from those on the dais.

Vice Mayor Gray thanked Ms. Rogers for explaining how the hotline works and for providing information to those who may need services and resources. He expressed the importance of the signs which discourage panhandling and also provide the crisis hotline information. He thanked Ms. Rogers and her staff for their efforts to end homelessness in our community.

In response to Councilman Brown, Ms. Rogers stated discussions are underway to obtain additional funding to extend hotline hours possibly to the weekends. She added that case management (follow up work) is a critical component to which every individual has access.

Councilman Brown thanked Ms. Rogers and staff for the great work they do for the City.

The Clerk read a summary of the remaining consent items.

Mayor Tuck recognized individuals from the Virginia Department of Criminal Service who were in attendance.

Items #8 and 10 were voted on together. A motion was made by Vice Mayor Jimmy Gray and seconded by Councilmember Steven Brown, that this Resolution-Budget be approved. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

10. [18-0276](#) Resolution to Accept and Appropriate 2019 Virginia Homeless Solutions Program Grant through the Virginia Department of Housing and Community Development

**Attachments:** [City Grant Packet](#)  
[FY19 Award Letter](#)  
[FY19 Grant Agreement](#)

Items #8 and 10 were voted on together. A motion was made by Vice Mayor Jimmy Gray and seconded by Councilmember Steven Brown, that this Resolution-Budget be approved. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

#### Approval of the Consent Agenda

Motion made by Councilmember Hobbs, seconded by Vice Mayor Gray, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

1. [18-0157](#) Resolution to Amend the Fiscal Year 2019 Council Approved Budget and Accept and Appropriate the 2018-2019 Comprehensive Community Corrections Act and Pretrial Services Act Grant Awarded through the Hampton-Newport News Criminal Justice Agency Awarded by the Virginia Department of Criminal Justice Services

**Attachments:** [Grant Award Letter](#)  
[Grant Award Special Conditions](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

2. [18-0176](#) Resolution to Accept the 2018-2019 Victim Witness Program Grant from the Virginia Department of Criminal Justice Services and Appropriate Those Funds for Use by the Hampton Victim Witness Assistance Program

**Attachments:** [Grant Application](#)  
[Statement of Grant Award - Acceptance](#)  
[Victim Witness Grant - Routing Sheet](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

3. [18-0226](#) Resolution Adopting the Revised City of Hampton Emergency Operations Plan (EOP) 2018

**Attachments:** [Executive Summary](#)  
[Promulgation Statement](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [18-0253](#) Resolution to Accept and Appropriate State Fiscal Year 2019 Part C of IDEA Grant Funding Awarded by the Department of Behavioral Health and Developmental Services Early Intervention Services for Infants and Toddlers with Disabilities and Their Families

**Attachments:** [Grant Proposal Overview](#)

[Grant Routing Form](#)

[WR Approval](#)

[SB Approval](#)

[LG Approval](#)

[Finance Approval](#)

[KK Approval](#)

[Contract](#)

[Fiscal Forms](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [18-0261](#) Resolution Approving the City of Hampton, Virginia's Participation In and Appropriation of the FY2017 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA).

**Attachments:** [Award Letter](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

6. [18-0268](#) Resolution Authorizing the Grant of an Encroachment, Pursuant to §§ 34-90 to 34-92 of the City Code, to Celco Partnership d/b/a Verizon Wireless, Inc. of an Aerial Area Totaling 13.25 Cubic Feet, More or Less, to Install an Antenna, a Utility Meter, and an Equipment Cabinet on a Dominion Energy Power Pole in the Public Right-of-Way Near 1972 Power Plant Parkway

**Attachments:** [Encroachment Agreement Presentation](#)  
[Verizon Certificate of Liability](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

7. [18-0272](#) Resolution to Accept from the Commonwealth of Virginia, Department of Fire Programs and Appropriate to the Division of Fire & Rescue FY19 "Fire Programs Aid to Localities Funds" in the Amount of \$475,707.00

**Attachments:** [FY19 Annual Package](#)  
[FY19 Allocation Disbursement](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

9. [18-0274](#) Resolution Requesting Endorsement, Department of Conservation and Recreation (DCR) Programming, and City Manager Project Agreement Execution Authorizing the Waterwalk Trail Project under the Recreational Trails Program  
Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

11. [18-0280](#) Resolution to Accept Fiscal Year 2019 Grant Funding for the Virginia Drug Treatment Court Grant Program Awarded by the Virginia Supreme Court, Office of the Executive Secretary to Continue the Hampton Drug Treatment Court Program for the Eighth Judicial Circuit Court of Virginia

**Attachments:** [FY19 Grant Approval Letter](#)  
[Award Acceptance Agreement](#)  
[Special Conditions](#)

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

12. [18-0232](#) Approval of the minutes from the legislative session of February 14, 2018, the work session of February 28, 2018, the legislative session of March 28, 2018, the legislative session of June 13, 2018, the special session of June 27, 2018, the special session (retreat) of July 6, 2018; and the special, work, and legislative sessions of July 11, 2018.

Item approved.

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Sned and Mayor Tuck

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

The Clerk read the protocol for public hearings.

13. [18-0267](#) Rezoning Application No. 18-00002 by Peninsula Plaza Partners LLC to rezone a 9.53+ acre portion of an 11.84+ acre parcel at 1815 W. Mercury Blvd [LRSN: 13004430] from Limited Commercial [C-2] District to Multiple Dwelling (MD-4) District with Proffered Conditions

**Attachments:** [Application](#)  
[CC Design Standards](#)  
[Resolution](#)  
[Staff Report](#)  
[Staff Presentation](#)  
[Support Letter](#)  
[Planning Commission Resolution](#)  
[Applicant's Presentation](#)  
[Applicants Presentation \(Revised\)](#)

The Clerk read the title for this item.

Chief Planner Donald Whipple provided information about the application including site location, land use for this area (mixed use), public policy, the Coliseum Central Master Plan, proffered conditions, community feedback, engagement of the business community including the Coliseum Central Business Improvement District, the Concept Plan, and building elevations (design).



Mr. Whipple explained that the purpose of the rezoning from C-2 to MD-4 is to allow the applicant to have higher density than what would be allowed by right. The City would also receive assurances of a higher quality product - these are in direct correlation with our Community Plan recommendations and the Coliseum Central Master Plan.

Mr. Whipple stated staff and the Planning Commission recommend approval of this application. He then opened the floor for questions and/or comments from those on the dais. No questions or comments were posed.

**PUBLIC HEARING:**

Mayor Tuck opened the public Hearing.

Mr. Akhil Jain, President of Landmark Hotel Group, (the applicant) greeted those on the dais. He said he believes in the future of Hampton as his company currently owns a hotel and an office building in the City and is in the process of building another hotel in Hampton. He noted that today he would speak about the proposed redevelopment of the former Holiday Inn site located off of Mercury Boulevard, "The Ellipse Apartments".

Mr. Jain provided information about the project including the overview of the site and the conceptual site layout plan. He also shared that this site would be a class A multi-family development with 283 proposed units with a minimum of 260 units. Proposed amenities for the site include a pool, clubhouse, fitness center, gated outdoor dog park, integrated technology throughout the buildings, elliptical parking fields, ample parking, multiple buildings, modern urban building architecture, and walking trails connecting adjacent properties.

Mr. Jain shared information about the various apartment units including number of bedrooms, rent amounts, target market and parking amenities.

Mr. Jain reviewed building elevations of the various buildings. He also emphasized that this development is in compliance with the Hampton Community Plan and the Coliseum Master Plan.

Mr. Jain stated the request is for a zoning change to MD-4 in order to allow the density necessary to make this a viable and successful development.

Mr. Jain opened the floor for questions and comments from those on the dais. No questions or comments were posed.

Mayor Tuck thanked Mr. Jain for the presentation, noted that no one else signed up to speak, closed the public hearing and called for the motion.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steve Brown that this Zoning Ordinance - Map be approved with ten (10) conditions. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

14. [18-0266](#) Resolution Authorizing the Execution of a Lease for 1,600 sq. ft. of City-owned Land Located at 300 Butler Farm Road to New Cingular Wireless, PCS, LLC for a Power Equipment Compound

**Attachments:** [Lease Agreement](#)

The Clerk read the title for this item.

Ms. Bunting made the following statement regarding the item: the facility in question was first located on the City's premises in 2008. At that time, the City granted multiple easements to facilitate the installation operation and maintenance of the tower. The current lease is set to expire on August 18, 2018, with those easements continuing to remain effective without further action. New Cingular has asked to continue the lease for five years. The proposed lease amount is an annual lump sum rental payment in the amount of \$16,207.33 payable in advance. Staff recommends approval.

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

There were no speakers at the public hearing. A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Snead that this Resolution be approved. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

15. [18-0270](#) Resolution Authorizing the Execution of an In-Building Radio Agreement Between the City of Hampton and T-Mobile Northeast LLC for the Purpose of Installing and Operating a Wireless Distributed Radio System with Service Node(s), Radio Nodes, and any Necessary LAN Equipment at the Hampton Roads Convention Center

**Attachments:** [Proposal](#)  
[Agreement](#)  
[Site Plan](#)

The Clerk read the title for this item.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs that this Resolution be deferred to the City Council Legislative Session, due back on 9/12/2018. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Mayor Tuck took a moment to explain that Councilwoman Curtis was travelling and that is why her absence from the Council meeting was excused.

He also introduced Hampton's new City Attorney, Cheran Cordell Ivery, who said that she was excited to join Team Hampton.

## **PUBLIC COMMENT**

The Clerk read the protocol for the public comment period.

Ms. Ruth Roman greeted those on the dais and made the following statement: I'm here today to speak to you about roadways. Roads are typically the entry point to our neighborhoods. As a result, the attitude toward and the perception of

neighborhoods begin with roadways. Poorly maintained roads lower property value and can give the perception of being an area that is unsafe; thereby limiting the pool of prospective residents. It takes away from curb appeal and the home. Curb appeal really starts with our streets and our roadways. Moreover, poorly maintained roads can greatly reduce a homeowner's ability to compete for, as well as attract new rental residents. It also contributes to increased vehicle maintenance. There is really, truly a holistic impact to neighborhoods that is derived from keeping roads resurfaced/repaved that extends far beyond the simple action of road maintenance. As I read through your street resurfacing plan for 2018 and 2019, I didn't see a plan to resurface some of the critical areas in the City of Hampton that really need maintenance. I'm here today to request that you include in your resurface and re-pavement plan all of Pembroke Avenue that extends through Districts 7, 8 and 9; Victoria Boulevard extending through Districts 7 and 8; Glendale Road and Highland Avenue from Shell Road and Victoria Boulevard. Thank you for your consideration today and for being so gracious in hearing my humble request.

Ms. Beverly Stammer greeted those on the dais and made the following statement: I'm a resident of Olde Wythe. I am here along with other members of our neighborhood to again address crime in our area. I originally called a meeting at my home last month because of an event that occurred on 14 June 2018 when 27 rounds were fired from a semi-automatic handgun with an extended magazine in front of our property - where just 90 minutes prior, there were over 18 young teenagers celebrating their 8th grade graduation at our home. Furthermore, it took three phone calls to 911 over 50 minutes to get police to respond to our home. To us, this event represents the pinnacle of criminal activity that Rob and I have observed for the last 14 years in our neighborhood. We moved away for a brief period of time due to job requirements. Upon our return in 2014, we noticed a marked increase in criminal activity in Olde Wythe with no corresponding actions to counter this increase by the City of Hampton's leadership. This lack of effectiveness by the City to combat the increased crime activity is not our only concern. The apparent lack of awareness of the increase by the City leadership and/or the unwillingness of the City leaders to address the problem is a major concern of ours. Wythe residents live in an area bordered by high crime including areas in Newport News to our west and areas in Hampton to our north. A reported decrease in crime last year in Hampton of 0.3% is hardly significant after an increase the prior year of 4.8%. I am, quite frankly, afraid to go to sleep in my own home. As an Air Force family, we have lived in various locations throughout the United States. I have never felt this way anywhere but here in Hampton. We were on vacation last week when Mayor Tuck called the meeting to address our neighborhood's concerns. I was able to view it on YouTube. Many of us were

disappointed that it was a question and answer session hashing over the same issues we have been talking about for 14 years. This problem doesn't belong to the Hampton Police Department alone. We appreciate the work that the Police do in our community. We really do. The problem belongs to the City leaders as well - and where is your vision? We have witnessed a steady diet of decision making by the City that is perplexing and we believe these decisions are actually contributing to the level of criminal activity within our neighborhood. I appreciate your time and I look forward to helping in any way I can to make our City a safer, more desirable community. Thank you.

Mr. Robert Stammer greeted those on the dais and made the following statement: As Beverly indicated, we've witnessed City decision making that makes one scratch their head - decisions that we believe actually contribute to the crime rate. For example, (1) Incomplete or terminated projects designed to revitalize Hampton. Projects that would encourage new investment and businesses to attract new families and have a positive effect on the City as a whole are started and never completed, leaving remnants of revitalization to decay and contribute to the already run-down appearance of Hampton, all contributing to increased crime. (2) Inconsistent code compliance enforcement. In 2004 and 2005 Hampton cited folks along Chesapeake Avenue for not maintaining the sides of their homes and surrounding property. Today, some of those homes are left in disrepair for months, even years. In some neighborhoods, people are permitted to park their vehicles on the front lawns permanently - all contributing to the run-down appearance of Hampton and encouraging crime. (3) No plan to address chronic vacant businesses. Six of the eleven businesses located in Power Plant Plaza are vacant. Some for over ten years. What is the plan to encourage new businesses in the industry to come to Hampton? Again, the vacant storefronts contribute to the run-down look of the City and only encourage the criminal element to take root. Same thing for the Food Lion Plaza at Kecoughtan Road. Three stores are vacant. Two for almost 10 years. What is the plan to stop the shoplifting in the area? There is a need for an armed guard at the Food Lion and to encourage businesses to move in. (4) Misaligned investment priority decisions. Since 2004, Hampton's population has dropped by 10,000 residents with no new industries moving into the area. The creation of more apartments, low income, section 8 housing has a greater propensity to have a negative effect on a level of crime without a corresponding increase in job opportunity. Where is the current demand for housing coming from? What factors are the City using to guide their decisions? Finally, one last example that highlights the impact of crime on the City's residents and the City's tax revenue. Home values nationwide have gone up 8.3% over the last year. Zillow predicts the values will rise an additional 6.6% nationwide over the next year. In stark contrast, Hampton's

home values only increased a mere 1.7% with a forecast of 3% over the next year. When do you take into consideration the huge losses experienced in 2007? The forecasted home values increase is just a drop in a bucket in that recovery. A waterfront community such as Wythe should be thriving in a market like this one. Why isn't it? The answer: Crime. In closing, I think it is important for our community to hear from each City Councilmember and the Mayor in their own words regarding the top three priorities for Hampton. What is the plan to get there? And, what is your opinion of the crime rate in Hampton? If given more time, I would engage the City Council on each of these concerns mentioned. Thank you for your time and patience.

Mr. John Barker greeted those on the dais and made the following statement: I have been a Hampton citizen for the last 38 years. I don't come here to complain or to criticize. We have had several really well-attended public forums discussing crime and crime prevention in Olde Wythe. Since we have tilled that soil, I'd like to present to you four things that would possibly act as seeds that can grow as we move forward in Hampton. The first is the need for increased visibility of police forces in addition to citizen presence to curb the increases in crime in Hampton which deters companies and potential citizens from moving to the City. If we keep doing what we've done in the past, we aren't going to keep up with the change in crime and that helps no one. Secondly, there is a need for community outreach to involve neighborhood associations and even schools to assist in crime prevention methods - getting information out like locking your cars, not leaving valuables in your vehicles, lighting your exteriors, being aware of your surroundings. In the past, Hampton has (back in those days, it was known as VEPCO, it is now Dominion Power) partnered with Dominion Power in order to improve the lighting in neighborhoods and in personal houses. Maybe this is something that we can look at again. There also needs to be further and better communication between the Hampton Police Department juvenile intake and the citizens for situations where citizens have power of attorney over properties for sale. We are being told that we have no authority to request charges being pressed for vandalism or attempted breaking and entering. Finally, it's great that we have an overage of seven police officers. Congratulations on that Chief Sult and Manager Bunting. There is word that there is going to be a real time data crime center in Hampton and my question is if that would be manned by those seven officers or if there are actually going to be other workers and those seven officers would actually be put on the street to help improve the living situation. Thank you for your time.

Ms. Sue Kressen greeted those on the dais and made the following statement: I appreciate the opportunity to make a statement here. I'm addressing the presence

of the empty home lots on Kecoughtan Road between Locust Avenue and Cottonwood Avenue. There is wonderful news that offers the potential to raise property values and hopefully attract people with a vested interest in our neighborhood, Olde Wythe. I live on Locust Avenue, ½ block from Kecoughtan Road - needless to say, I would love for those new homes to become a reality; however, I truly cannot rationalize why anyone in their right mind would invest up to \$260,000 for a beautiful, brand new home that sits across the street from blighted abandoned buildings, gas stations and other decrepit structures all clearly in violation of existing codes. Surely, the developer is aware of the aesthetics surrounding his potential new homes. It defies rationalization. Furthermore, if the City will clean up or remove the blight, it is possible that the criminal element adversely affecting our neighborhood might begin to receive a different message that they are definitely not welcome in Olde Wythe. Kecoughtan's blighted appearance is very effective in sending the wrong message that this neighborhood just doesn't care, but we do. When I made major improvements to my home and property back in 2016, I contracted with several different contractors, all of whom made absolutely certain that they were in complete compliance with the code as established by the City of Hampton. If a responsible homeowner is required to be in compliance with code, why isn't the City reciprocating? It seems to be in violation of its own code, and as long as that blight remains, it will continue to welcome the criminal element while prohibiting the hope and promise that these new homes could offer. Thank you all.

Ms. Lydia Brubaker greeted those on the dais and made the following statement: I grew up in New York City and have personally witnessed some downtrodden neighborhoods with lots of crime change into very desirable and hip areas to live. So, I know and believe that our neighborhood can become an ideal place to live as well. We had moved here thinking this is a great place to retire close to the beaches, great walking by the river and so on. We have a new beautiful granddaughter in our lives now and we are hoping to have her come and visit with us for summers and such, but since we have experienced two shootings on our corner within two years of moving here, we have found ourselves questioning our choice. We have hidden this information from our son knowing he would think this is a very dangerous place to live and definitely not allow the visits that I had dreamed of. Our retirement home is within 100 feet of two shooting sprees. When will the first stray bullet kill an innocent life? Not only is the question - will my son allow my granddaughter to visit, but do I want to expose her to this? I appreciate the police presence we have seen today, but we all know that the squeaky wheel gets the grease and I hope this is not a temporary response to our meetings lately. I believe showing a united front of both the police and residents will discourage the criminal

element from preying on us. I do not have solutions, but look towards you all for answers before tragedy happens. I am asking only for a basic necessity of life - to be safe. Thank you.

Ms. Cat Smith greeted those on the dais and made the following statement: I am also an Olde Wythe resident. My family has had a presence in Olde Wythe since my grandfather constructed his home in 1955. He was also a former Councilmember. My parents now live in that home. I was married there. Two years ago, my husband and I made a decision to buy a home, historic home, in Olde Wythe to hopefully raise another generation here. Within a month of moving in, we had our door kicked in by three teenagers who robbed us. Thankfully, we have wonderful neighbors who intervened and called HPD (Hampton Police Department) who did apprehend one of the young men in possession of goods stolen from our home. I spent that night terrified to sleep - afraid that I would never feel safe in my new home. That young man spent his night back home, released within hours of his arrest. I was told by HPD that he was a good student and is cooperating, but his two accomplices have never been named nor apprehended, so I don't understand how that is cooperation. We provided a restitution request for our damages and took time off work to appear at the hearing where prosecutors told us to go home. There was no point in us being there. As a youthful offender, the best we could hope for was restitution for the felony that had been committed, and our speaking in front of a judge wouldn't change that. We were never even provided any notification from the courts on an outcome. I've come to learn since about this point system for young offenders and it seems to frustrate local law enforcement as it now frustrates myself and my husband. I understand the legislation for this is occurring at the State level, so what can we as citizens in conjunction with our local government do to cause that change at the State level? This is part of a larger crime concern happening in Olde Wythe as my other neighbors have attested to tonight. It's not all juvenile offenders, but certainly not having any real repercussions for juveniles only encourages adult offenders. I would also like to note that within two months of our initial break-in, we had a second attempt to kick in our back door (unsuccessfully, thankfully) and we also had our car hit and run parked on a Hampton public street in front of our home. Again, I've lived here for two years now. It's alarming that I've had this many close encounters with crime personally. I'm here tonight because I want to be part of the solution, so please tell us how I can be and help you. Thank you.

Ms. Virginia Kabongo greeted those on the dais and made the following statement: I'm here because I live in an area where right behind my home they built a car dealership up very high and all the water runs into my house, my yard and floods. The water comes up as high as this (she pointed to a seat) - you could put a boat in



it. My family has lived here since 1968 and they both have passed and I took over the house. I had it gutted and redone for my retirement. I have recently retired, but a lot of the work that I have done has to be redone because the dealership did not have a permit, I am told, to widen their dealership. Because of this, I have been dealing with City officials for the last six years. I moved in there in 2011, and that is when I first had my problem and that is when they first built that dealership. I've been constantly dealing with City officials, Public Works, the City Manager's Office, Zoning - they even called in a private contractor and another company. I've been dealing with this for six years, and I've been promised that they are going to fix the issue. They know that the people expanded without a permit. I was just wondering. This is my last resort because I have been dealing with this for so long and I can't afford to redo my house. So, I'm wondering what can be done. That's all. Thank you very much for listening.

Mayor Tuck made the following statement regarding how City leadership is trying to react to crime and other issues in our community: Since September of 2016, I've held quarterly meetings (town halls) around the City and at those meetings, you can ask me any question and I will answer as best I can and as truthfully as I can (any and all questions). What I will tell you is that we are aware of the crime issues in our City. As a Council, the best we can do is to provide the resources that the Chief asks for through our City Manager and to try to show the same concern to Olde Wythe residents that we show to any other neighborhood in our City. We are very, very concerned about the image of our City. We are concerned about the security of residents in our City. We are concerned about even the development of our City. We have had (actually today) a discussion about that. With respect to what you consider to be incomplete development plans, we had the recession - yes. I was not a member of Council, but back in 2005, 2006 and even part of 2007, our City, with the input of many of our residents developed about six master plans for different areas of our City. We are a City that is about 98% fully developed and so, for the most part, the only way that we are going to enhance our City is through redevelopment. We have been actually doing that very strategically. But, when the recession hit, a lot of those efforts ground to a halt. So, you will see where even on sections of Kecoughtan Road, some of the side streets (somebody called them the fruit streets the other evening) you see some partial development, but other things have stopped. I know you've said some of this development has stopped since 10 years ago. Actually it was back in 2013 - 2014 (FY 2013) that we raised our real estate taxes 20 cents - 10 cents of that was to go toward the schools; 10 cents of that was to go to the City for some projects that we felt were necessary. Three cents of the 10 cents; roughly \$1 million per one cent; so, \$3 million was to go for us to try to restart those master plans and so within the last four years, we have accumulated

maybe \$12 million. We are starting to see renewed development in our City. Has it hit every area of our City? No it has not, but we are trying our best to insure that it does hit every area of our City. The things that our Chief has asked us for - as a Council, we have tried our best to provide those things. Beyond that, we cannot direct our Chief as to how to conduct patrols, where to place people or anything like that. We trust his judgement with respect to that. But, I have another forum coming up on September 27th and that will be at Saint Mary's Star of the Sea. You can always email me or call me by phone. I come to different civic league meetings (even uninvited) but if you want to come and try to find out again our vision for the City, when I have more time to try to express that, I'll be happy to. Again, I take all questions, and even allow time for the Chief to address particular issues related to crime, patrol and things like that. I have not lost faith in our City. I have not lost faith in our residents. I believe that we are a good City with potential to be a great City and I think some things have to be in place for that to happen, but I am very, very positive about the outcome of our City.

Mayor Tuck also shared that he recently heard firecracker noise in his neighborhood - this unusual noise made his family concerned. He also shared that he grew up in an area where he was concerned about the safety of himself, his family and friends due to questionable activity. He explained that he shared those examples so that people can realize that he understands how unnerving the sound of gunfire can be and that this isn't something we want in our community.

Mayor Tuck assured everyone, on behalf of Council, that we are doing our best; however, cannot stop guns from going off. He continued saying that Council owes the residents the assurance that they are doing everything within their power to make residents feel safe in our City.

City Manager Bunting emphasized that our goal is to ensure that our police are well-funded and well-supported. For example, providing funding for the Real Time Crime Center. She also emphasized that our comprehensive solution includes prevention and intervention to deter young people from being involved in gang and criminal activity. She continued stating that the City continues to support neighborhoods and businesses in our City via annual presentations and information such as the Safe and Clean Initiative.

Ms. Bunting addressed police manning. She clarified that 12 police officers have been added in the last two years; these officers will go to the streets. The positions are partially funded by City Council and partially funded with Federal funding. She clarified that we have added other positions for the Real Time Crime Center (these

are not patrol officer positions). This Center will provide eyes on public spaces and high priority target areas and will also provide a great investigative tool. She noted that we also invested in technology (such as smart phones) in an attempt to get information to our officers so that they can do the best job possible.

Ms. Bunting spoke about options for our youth including the youth and young adult opportunities, summer employment opportunities (to provide an economic pathway) and career academies in our schools. She added that these are all ways in which the City is attempting to provide young people an economic pathway and social support in our schools and neighborhoods.

Ms. Bunting addressed the codes and compliance concern. She agreed that codes and compliance sets a major stage; however, in the State of Virginia, cities are limited in what they can enforce. She explained that Virginia is a Dillon Rule State in which cities can only do what is expressly permitted to them by State Code or Charter. She continued explaining that State laws tend to favor private property rights and while Hampton's Economic Development Department works to bring jobs, retail and restaurants to vacant spaces, property owners may choose to keep their property vacant - we cannot require them to rent space or take care of their property in an aesthetically pleasing way (under State or Federal law). She noted that we can, however, require them to meet building code requirements.

Ms. Bunting assured everyone that Council is cognizant of what is going on and that the City does everything in its power within the law. Staff also works diligently to obtain new permissions from the General Assembly to deal with problems in the City.

Ms. Bunting reminded everyone that the first Codes Academy will take place in the fall with the purpose of recruiting volunteer codes enforcement professionals. She also noted that if citizens would like additional information on any programs, staff will be happy to provide that to them.

## GENERAL ITEMS

### Ordinances

16. [18-0275](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 24, Offenses, Article II, Pertaining to the Definitions Relating to Criminal Blight and Options Available for Corrective Action with Respect to Criminal

Blight to Remain Consistent with Recently Amended State Code Authority

Attachments: [Redline](#)  
[Presentation](#)

The Clerk read the title for this item.

Ms. Bunting introduced Assistant City Attorney Kendall Bynum to provide an update on the law with respect to criminal blight. She noted that this is one of the items on which the City went before the General Assembly.

Mr. Bynum shared the sections of the Code of Virginia and the Hampton City Code which provide the City's authority to regulate blight.

Mr. Bynum shared the updates in the law related to drug blight and criminal blight. He also provided the definition and causes of criminal blight and drug blight.

Mr. Bynum shared the updated notice requirements for the City and corrective action steps to be taken once blight notices have been sent to property owners.

Mr. Bynum spoke about protections and rights for real property owners including time extensions for corrective action, property owners taking corrective action on good faith, and landlords initiating court proceedings against tenants who cause criminal blight.

Mr. Bynum noted that with regards to the suggested changes by the 2018 General Assembly, a proposed ordinance is needed to bring our current drug blight statute in compliance with State law.

Mr. Bynum opened the floor for questions and/or comments from those on the dais. No questions or comments were posed.

Presented by Kendall Bynum, Assistant City Attorney. A motion was made by Councilmember Hobbs and seconded by Councilmember Steven Brown that this Ordinance-Coded be approved. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**Appointments**

The Clerk read the motion required for the appointments.

17. [18-0177](#) Consideration of appointments of Council Liaisons to various Boards, Commissions and Committees
- A motion was made by Councilmember Billy Hobbs that Council take no action on the Cultural Alliance of Greater Hampton Roads which has been dissolved, appoint Councilwoman Linda Curtis to the Hampton Roads Regional Jail Authority and Councilwoman Chris Snead as the alternate, on the Hampton Roads Community Action Program (HRCAP), designate Hope Harper as Vice Mayor Gray’s representative, Diana Hughes Moody as Councilwoman Snead’s representative, and Jill Davis as Mayor Tuck’s representative. The motion carried by the following vote:
- Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck
18. [18-0195](#) Consideration of appointments to Finance Committee
- A motion was made by Councilmember Billy Hobbs that Council appoint Michael Graves and Will Andrews to first terms both of which will conclude on June 30, 2020, and appoint Brian DeProfio in the place of James “Pete” Peterson. The motion carried by the following vote:
- Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck
19. [18-0209](#) Consideration of appointments to Virginia Air & Space Center
- A motion was made by Councilmember Billy Hobbs that Council reappoint James Chisman and John Smith to second terms expiring on June 30, 2022, and appoint Brian DeProfio to a first term until June 30, 2022. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

20. [18-0278](#) Consideration of appointments to the Citizens' Unity Commission

A motion was made by Councilmember Billy Hobbs that Council appoint Treavor Hudson in the place of Nolan Dazevedo until June 30, 2019, with Anne Andrews remaining in place until June 30, 2019. The motion carried by the following vote:

**Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

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

Ms. Bunting addressed the citizen concern regarding roadways. She said it is impossible to get new roads in for this year; however, she has asked Interim Public Works Director Jason Mitchell to review the pavement index for the specific roads brought up this evening to determine whether it can be predicted if those specific roads would be coming up in the 2020 pavement index. She noted that road maintenance is important to the City and several million dollars is spent each year for these types of projects.

In response to Mayor Tuck, Ms. Bunting listed the following challenges associated with creating a policy which prohibits parking on yards: (1) our City has old neighborhoods and subdivisions which were developed with narrow streets (before the invention of cars and subdivision requirements). (2) residents may not have driveways or space on the road to park. Years ago, there may have only been one vehicle per household; whereas now, residents have multiple cars per household. (3) Many neighborhoods are low income. A mandate which may require parking on property may involve installing costly driveways. The City doesn't want to cause an economic hardship for our residents. (4) personal property rights - staff is considering ways to approach this.

Ms. Bunting also noted that the citizen with the car dealership problem was already discussing her situation with a staff person.

City Attorney Cheran Ivery noted that the City Attorney's office is willing to support any studies the City Manager and staff are doing, and will provide a legal perspective as needed.

**MISCELLANEOUS NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

The meeting adjourned at 8:04 p.m.

**Contact Info:**

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

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Donnie R. Tuck  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

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