



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

Wednesday, October 10, 2018

6:30 PM

Council Chambers

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.

Present: 7 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Vice Mayor Gray

Vice Mayor Gray gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

The Mayor had no comments this evening.

CONSENT AGENDA

Ms. Katherine K. Glass, Clerk of Council, read the protocol for the Consent Agenda and a summary of the items therein.

Approval of the Consent Agenda

Motion made by Councilmember Curtis, seconded by Councilmember Snead, to approve the Consent Agenda. The

motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

1. [18-0305](#) Resolution Determining LexisNexis and subdivision Matthew Bender to be the Only Source Practicably Available from which to Procure Major Sources of Virginia Law Materials and Authorizing the Negotiation and Execution of a Purchase Contract with LexisNexis and subdivision Matthew Bender as "Sole Source"

Attachments: [FY01 Approval](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

2. [18-0330](#) Resolution Determining Mid-Atlantic Waste Systems to be the Only Source Practicably Available from which to Procure Equipment, Parts, and Service for All Automated Solid Waste Collection Vehicles and Authorizing the Negotiation and Execution of a Purchase Contract with Mid-Atlantic as a "Sole Source"

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

3. [18-0331](#) Resolution Determining Siemens to be the Only Source Practicably Available from which to Procure Heating, Ventilation, and Air Conditioning Controls and Services and Authorizing the Negotiation and Execution of a Purchase Contract with Siemens as a "Sole Source"

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [18-0333](#) Resolution Determining Signal Engineering Corporation to be the Only Source Practicably Available from Which to Procure Security Systems and Services and Authorizing the Negotiation and Execution of a Purchase Contract With Signal Engineering Corporation as a "Sole Source"

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [18-0332](#) Resolution Determining Damuth Trane to be the Only Source Practicably Available from which to Procure Heating and Air Conditioning Equipment and Services and Authorizing the Negotiation and Execution of a Purchase Contract with Damuth Trane as a "Sole Source"

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

6. [18-0338](#) Resolution Determining AXS Digital LLC, T/A Carbonhouse to be the Only Source Practically Available From Which to Procure Website Hosting and Maintenance Services for Hampton Coliseum/Hampton Arts Commission Websites

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

7. [18-0310](#) Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Virginia 9-1-1 Services Board's FY19 Public Safety Answering Point (PSAP) Education Program Grant.

Attachments: [FY19 PSAP Grant Award](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

8. [18-0313](#) Resolution to Accept Contribution of Money from Hampton City Schools in the Amount of \$10,000 to further Youth Violence Prevention Efforts in the City of Hampton, Virginia

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

9. [18-0327](#) Resolution Accepting a Donation of Forty-One Illuminated Street Signs at Various Signalized Intersections in the Coliseum Central Overlay District from the Coliseum Central Business Improvement District

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

10. [18-0341](#) Resolution of the City Council of the City of Hampton, Virginia Pursuant to Virginia Code Section 37.2-504(a)(11) Authorizing the Hampton-Newport News Community Services Board to Incur Certain Borrowing Obligations

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

11. [18-0328](#) Resolution to Approve the First Amendment to Memorandum of Agreement among the Hampton Roads Sanitation District and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and

Williamsburg; the Town of Smithfield; and the Counties of Gloucester, Isle of Wight, and York; and the James City Service Authority to Accelerate the Date HRSD will Assume Regulatory Authority for Wet Weather Overflows

Attachments: [Agreement](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

12. [18-0334](#) Resolution Authorizing a Petition to the Commonwealth Transportation Board to Transfer Certain Real Property Acquired for the Construction of a Portion of N. Mallory Street to the City of Hampton Pursuant to Virginia Code §§ 33.2-1001 and 33.2-907

Attachments: [Sketch](#)

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

13. [18-0340](#) Approval of the minutes from the special session of September 19, 2018, and the work and ceremonial sessions of September 26, 2018.

Item approved.

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

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

14. [18-0324](#) Use Permit Application No. 18-00009 to permit the operation of a private school at 19 N Mallory Street [LRSN 12001996]

Attachments: [UP2018-00009 Application](#)
[UP2018-00009 Circulation - Site Plan - Floor Plan](#)
[UP2018-00009 Survey Plat](#)
[UP2018-00009 School Supplement](#)
[UP2018-00009 Narrative Statement \(Aug 3\)](#)
[UP18-00009 Presentation](#)
[UP18-00009 Conditions](#)
[UP18-00009 Staff Report](#)
[Planning Commission Resolution](#)

City Manager Mary Bunting introduced Ms. Ana Elezovic, City Planner, who provided a presentation to Council.

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

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Use Permit be approved with seven (7) conditions. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

15. [18-0325](#) Use Permit Application No. 18-00008 by Pastor Melvin Austin to Permit a Commercial Day Care 2 Use For An Adult Day Care At 457 Fox Hill Rd Within Existing Classrooms in New Bethel Cathedral Church of God in Christ [LRSN: 11000566]

Attachments: [Conditions](#)
[Application](#)
[Supplemental Form](#)
[Narrative Statement](#)
[Parking and Circulation](#)
[Floor Plan](#)
[Day Care Brochure](#)
[License](#)
[Staff Report](#)
[Presentation](#)
[Planning Commission Resolution](#)

Ms. Bunting introduced Ms. Corey Block, City Planner, who provided a presentation to Council.

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

A motion was made by Councilmember Linda Curtis seconded by Councilmember Chris Snead, that this Use Permit be approved with ten (10) conditions. The motion carried by the following vote:

Aye: 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PUBLIC COMMENT

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

Mr. Ken Elazier greeted those on the dais and made the following statement: I'm here to just address my concern regarding the aquatics center that has been turned into a police training facility up on Butler Farm Road. I went there the other day. My grandkids go swimming there, and I've been taking them sporadically over the last couple years, whenever my daughter needs assistance. I have two grandkids and they swim at different sessions. And so, the community center has been a place of true community for the parents, grandparents, of kids. We assist them with homework, we visit with each other. Some people drop off, others are assigned to take them home, you know, it's a community thing. One of the reasons why they're at that community center is because the one on Lincoln Street was closed and so there's no pool down there, so now they go to the pool here. Well, we only had limited access to the building anyway. They had a nice weight room, they had handball courts, racquetball courts, they got a nice facility for performing arts, which I've gone over there for the kids, have done different plays for seasonal events like Thanksgiving, etc. So now it's been turned into a police training center and the only access we have is to the back of the building, to the pool. I'm all for the police, I think the police are great. This is one of the best Police Departments, I think, in the country, and I think this is a great Council, but just like any band, they have - sometimes every hit doesn't make the charts, and this is one that to me didn't make the charts. In fact, I live around the corner from two policemen, I live down the street from another, so I have great relationships and I support them 100%. I think that if you're going to make that a training facility, give them the whole thing, because I'm either concerned about their safety, because the only place - you've cut off half the building, and so there's no access from the front of the building to the back of the building. If you're in the back of the building, you can only access the locker room,

and the locker room is closed off to the hallway, so if there's ever a fire or anything, you're going to be trapped in that room. Make it one or the other. I don't know what the politics are behind the one on Lincoln Street, I don't know what's going on with this one over here, but if we take away the opportunities for the kids and for the community to engage, then we're going to need more police, so that's my 10-cents worth. So please, really consider the use of the community centers. I volunteer my time over at Phoebus because I don't have a chance to go to the other one, and I think you've got great people in Parks & Rec, I support them, so if we can coordinate with the Police, Parks & Rec, and the City, thank you.

Mr. Andrew Stith greeted those on the dais and made the following statement: I'm here to speak on the last wannabe storm that we were supposed to have. I'm here to speak on the shelter we had, the wannabe shelter that we had. As a person that lives on Evacuation [Zone] A, I had to evacuate my mother, me, and my girlfriend. We went to the one on George B. Phenix, and we stayed there, like, three or four days, three or four days. Tell you the truth, it was poorly ran. It was really poorly ran. I don't know if it was a City thing, or it was just one of those things. I'm not talking bad about it. The thing is, whoever ran it the first night or whatever, it was - they didn't know what they were doing. First thing, as me and my mother, we are people that have sleep apnea, and we had to go to one area, and we couldn't go to that area because we, it was not, they told us, it was not "disabled" enough. So we had to go to the big gym to sleep on the floor. They make you sleep on the floor. If it wasn't for me having military gear to go back home to get cots, they wouldn't give us no cots. Another thing is, the worst thing is, it took a couple of people, I guess a big family of six people to leave, and then finally found - took two people from City Council, I'm not going to name their names, to come down and change the whole scenario of everything, for them to get cots, to get cots and also to get blankets and also to get carpet down on the floor. It was really bad. And also, as a former service member, just to sit there thinking that the Fire Department has our back to know what mass casualty is - they didn't know what they were doing. I love our Fire Department, that's good, but they need more training for mass casualty. Especially for putting up cots. If they need training, either have us - either get people from ex-military or get people that - from the Red Cross, because we are famous for doing stuff like that. So I'm just, I'm just putting my 2-cents into it.

Mayor Tuck invited Ms. Bunting to respond to the citizens' concerns.

Ms. Bunting stated that the building where the aquatics center is located was originally a Sentara Health & Fitness Center. When the City purchased the property, the idea behind it was for a Teen Center. Sentara Health & Fitness put a deed restriction on the building that would not allow the City to use it for any physical training or activity for adults because they were opening another center across from

the hospital and did not want competition. For many years, the City tried to get teen participation up, including recruiting through the high schools, and it just did not work. The City rebranded it as an expressive arts center, and this increased attendance somewhat, but still not enough to justify running it as a facility. All those programs have been relocated, most of them to the American Theatre so students can perform on a world-class stage. She listed the various community centers and neighborhood centers that are available for use by the community.

Ms. Bunting stated that because the facility was not getting utilization, staff recommended turning it into a police training center instead of buying or leasing another building, which Council approved. This was to look out for the bottom line for the taxpayers. The City recognizes that this is inconvenient in the short term for those using the aquatics facility, and staff is working on addressing some of the conveniences. Long term, the City's plan has been to build a larger aquatics facility. Staff is currently in an evaluation period for an unsolicited proposal, and is looking at obtaining other proposals through a Public-Private Education Act Program. Staff will evaluate what can be done in the short term to make the current facility more comfortable.

Regarding the shelter operation, Ms. Bunting stated that the City always messages that people should bring the conveniences and comforts they want to the shelter facility. The City provided cots, but they are not the most comfortable, and the shelter operation is intended to provide safe shelter, not the conveniences and comforts of home. She stated that she personally came out and saw that the cots were not being used, so she made inquiries. There was concern about the recently refinished gym floors. She personally went out, with others, to purchase carpets to prevent scratching the floor because she was not comfortable with people sleeping on the floor when cots were available. As soon as they realized there was an issue, they tried to correct. She emphasized that a shelter operation will not be focused on being comfortable. She has also received complaints about not being able to watch TV or use Wi-Fi, but the City is in the business of sheltering people for safety. She noted that staff learns from every storm, and there are plans in place so there is no delay on the usage of cots in the future.

GENERAL ITEMS

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting gave an update on Hurricane Michael. It has arrived in Florida, and the City's thoughts are with those who are being impacted. She noted that staff tracks every storm that might impact the City, regardless of the level of impact. The City is expected to get strong winds overnight into early Friday morning, which may reach tropical storm levels. Widespread coastal flooding is not expected, although a band

of heavy rain will bring a risk of flooding. The storm should be cleared by the afternoon on Friday. Public Works is currently conducting its extra cleaning efforts, as it does before every storm, and Social Services has a shelter team in place, should that become necessary, although it is not expected at this point. She noted that those areas that are very prone to flooding, such as Paula Maria, will be monitored. She stated that the City was spared by Florence, and might actually get more wind and rain from Michael, but there is not a worry about evacuating. The City is ready to address whatever comes its way.

Ms. Bunting introduced the new Economic Development Director, Chuck Rigney. She noted that he is a seasoned economic development professional, having served in Portsmouth and Norfolk, as well as on the Peninsula early in his career. He has done great things in his previous positions, and the City believes he will do great things here.

Mr. Rigney stated that he is delighted to be here. He is ready to make Hampton an even greater community than it already is. He is looking forward to working with everyone here.

Ms. Bunting introduced the new Parks, Recreation, & Leisure Services Director, Mr. Dave McCauley. He was formerly the City's 311 Director. He is already making a big impact in a positive way.

Mr. McCauley stated that he is happy to step up to this new opportunity.

MISCELLANEOUS NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting adjourned at 7:02 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____