City of Hampton, VA

Meeting Minutes

City Council

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

Ross A. Kearney, II *Christopher G. Stuart*
Will Moffett *Donnie R. Tuck*
Joseph H. Spencer, II *George E. Wallace*
Molly Joseph Ward, Mayor

Staff:
Mary Bunting, City Manager
Cynthia Hudson, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, June 13, 2012 | 6:01 PM | Council Chambers, 8th Floor, City Hall

CALL TO ORDER / ROLL CALL

MOLLY JOSEPH WARD PRESIDED

PRESENT: Ross A. Kearney, II, Will Moffett, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

ABSENT: Joseph H. Spencer, II

Mayor Ward welcomed everyone to the Public Comment Period. After calling the role, the Clerk of Council Ms. Katherine Glass read the protocol for the Public Comment Period.

PUBLIC COMMENT:

Mr. Alan Bourne, 22 Lynnhaven Drive, greeted the Mayor and made the following statement: My grandmother always said you can please some of the people some of the time, all of the people some of the time, but you can never please all of the people all of the time. I look at the job you people have to do up there and I want to paraphrase Councilman Moffett again – Anyone can criticize, but bring us solutions. We are very fortunate in Hampton. We have Mary Bunting. No one else has such an incredible City Manager. Thank you. Thank you for the incredible job you do, Mayor Ward and Vice Mayor Wallace. Thank you, Chris Stuart. Thank you all. The important thing I would like to say is that right now is a difficult time for a lot of people. The economy is stagnant. Revenues are sinking. Needs are growing. Would you really want their (Council's) job? Yet, they have pushed Hampton forward. Hampton isn't just kicking the ball down the road by surviving another fiscal year; Hampton is becoming the best of the best. Thank you.

Dr. Kevin Steele, 4403 Victoria Boulevard, made the following statement: So often people that come to City Council, have a grievance and tear you up a little bit. We think it is important on behalf of the Downtown Hampton Development Partnership (DHDP) to tell you when you are doing well. He then read the following letter addressed to

Ms. Bunting: On behalf of the DHDP, I am writing to express our sincere appreciation and gratitude to the City of Hampton and the staff for their immediate response to the recent tornado that caused damage throughout our downtown. Numerous emergency personnel, Department Heads and staff were seen downtown soon after the storm assessing damage and making plans for a quick recovery and clean up. The efforts and dedication of your City team during this unfortunate situation was extraordinary and we applaud each and every one that assisted in the process. It was an enormous act of so many individuals that allowed the Blackbeard Festival to begin its festivities at 2:00 p.m. on Saturday, maybe a miracle for many of our pirates, boaters and visitors. Our retail restaurants depend on our downtown festivals to generate a large portion of their annual income. Without your assistance, the weekend could have been devastating for our entrepreneurs. Again, thank you for your immediate response and the tremendous work you and your staff were doing in that unfortunate time of need. Sincerely, on behalf of the DHDP, thank you.

Ms. Helen Bynum, 5 Myra Drive, greeted the Mayor and the members of Council and made the following statement: I am here to talk about 7-11 and Wawa. I don't have a lot to say. The only thing I am saying is to consider the jobs that will be lost if "a new sheriff comes in town". A lot of times, we don't understand why things happen. The only thing I am going to say is that I pray that God will open up these people's understanding and not just think about their pocketbooks, but think about the people that they will be hurting in the long-run.

Mr. Chuck Nichols, 137 Manteo Avenue, of the Hampton Professional Firefighters greeted the Mayor and made the following statement: I come to you tonight to talk about the line of duty. The Governor has set up a working group from the stakeholders that is supposed to report back to the General Assembly by October 1, 2012 on funding options. The stakeholders are getting together within the next two weeks to come up with an option of how they can fund it because we believe the line of duty should stay with the State; not be sent as an unfunded mandate to localities. We applaud you for taking that on and funding it. We think there needs to be a dedicated funding resource to pay for it. Thank you.

Vice Mayor Wallace asked for clarification if the designated funding resources would be from the State and not the City. Mr. Nichols concurred and stated that is the purpose of the meeting as well as to report to the General Assembly by October 1, 2012. He added the other thing they were considering was getting localities to side with them and perhaps do a resolution to send representatives from this area to ask the State to take it back and find a revenue source for it because they are the ones who created the program and have been funding it for years; however, now they are sending it back here and it is not right to send it to localities to fund.

Mayor Ward thanked Mr. Nichols for the information and noted that an extensive briefing was given at the afternoon session regarding this issue and Council will take it under advisement.

Mr. Frank Ottofaro, Jr., 341 Wrexham Court, made the following statement: I am here tonight to speak about my father, Mr. Frank J. Ottofaro, Sr., who recently passed away on March 14, 2012, and to continue to seek the fair and equal treatment that he fought for with his life for over 12 years with the City of Hampton. My father was seeking two things from this Council. Firstly, he was seeking an answer as to why he was taken out

through the City's misuse of the Eminent Domain Quick Take procedure when he was told that he would not be by Mr. George Wallace if he would refuse the City's offer. This City has failed to answer this question. Secondly, he asked that you pay him the remainder of the money owed to him that would match what the other property owners involved in this project had received of 2 ½ times their assessed values that this City had come up with themselves. The City's assessed value at the time the property was taken through the Quick Take procedure and what was filed within the Court was the value of this property was $164,000. If you take this figure and times it by 2.5, it would equal $410,000. This City fails to recognize and correct what would be the fair and equal thing to do here for the Otttofaro family even after our family member has passed. Besides the words fair, equal, just, honorable, right and wrong, let us also speak about the word opportunity. This City Council has the opportunity to right a wrong that was committed against the Ottofaro family. This City Council has the opportunity to demonstrate to our citizens and children in Hampton that it can set aside petty differences and personal egos to do the right thing. This City Council has the opportunity to set the example for other Virginia cities and counties to follow - that should we do wrong by another person, we can still fix it since we are the leaders and representatives of our taxpayers. This City Council needs to practice what it preaches to others – that we must always honor that flag and our written Constitutions and Laws that we set forth and create to follow. Without doing so, we ourselves become hypocrites. This City Council has always had the opportunity for over 12 years to correct the injustice that it created for themselves and the Hampton taxpayers and to stop the bad publicity it continues to receive as a City known to take private property for economic development from its citizens. Tonight, I am making two requests. One is for Ms. Cynthia Hudson, who is obviously not here tonight, to present to the City Council and public the amount of money that was spent in legal defense to fight just the Ottofaro case to the current date. Ms. Bunting, if you could put that together, I would appreciate it – and either present this at next month's Council meeting or email it to me. Secondly, back in 2001, I had informed my father that the road leading past the Power Plant was eventually going to be named Power Plant Parkway. After the City felt that all the legal cases had ended against them, after two name changes, Power Plant Parkway is what it is – a private road which was then made into a public road to do nothing but force traffic past the Power Plant retail development project. I am asking you tonight formally, not jokingly, to please change the name of this street one more time to make it Frank J. Ottofaro Memorial Parkway to honor the person you incorrectly took property from and which had given 12 years of his life trying to get some resolution and fairness. Thank you for your time.

Mr. Bruce Bellinger, 351 Advocate Court, Newport News, Virginia greeted the City Manager and the Councilmembers and made the following statement: I am a veteran. I am a displaced banker with Suntrust Bank, here in Hampton. I have been driving for a little over two years. I am an independent taxicab driver who as of May 1st got an increase of five cents per 1/7th of a mile from Newport News City Council. I am here tonight to encourage you, Hampton City Council, to follow suit with Newport News with the reason being the way gas prices and the economy are. We also incur residual costs. The tolls at the airport increased from $1 to $3, a 200% increase. I also incur repairs to my specific auto. I encourage you to follow suit with Newport News and please give us the rate hike. Thanks.

In response to Vice Mayor Wallace, Mr. Bellinger stated that he drives for the Orange Cab Company.

Mr. Desmond Green, 574 Waters Edge Drive, Newport News, Virginia Orange Cab driver and independent contractor made the following statement: I am here for the same reason in reference to the rate increase. I feel in my heart that it should be increased because of the recurring costs we have as cab drivers. The drivers and visitors that visit this City to support this town for various events never complain about the rate that the meter says. They quite often tip which is greatly appreciated. Since driving throughout Newport News as well, the rate increase has helped me obtain an extra $75 - $100 on a monthly basis. That may not sound like a lot, but it helps me take care of my son and continue to pay my bills on time for my family. I enjoy driving for the City. There are a lot of great people here. I ask you all to take into consideration the rate increase that Newport News has done. This will greatly help cab drivers. I am speaking on behalf of everyone with Orange Cab. Thank you for your time.

Ms. Carolyn Jackson, 354 Otley Road, greeted the members of Council and the Mayor and made the following statement: I am also a cab driver. I am with Yellow Cab of Hampton and I have been driving with Yellow Cab for the last five years to serve the Hampton community. It would be a great pleasure if we could get the increase because inflation and other things such as food, the cost of living, utilities continue to go up, yet we have not received an increase with the taxi company. It would be a great pleasure and would help support our families and the Hampton community if we could receive this increase also. Thank you.

Ms. Brandy Arone, 2244 Todds Lane, thanked Council for allowing her to speak and made the following statement: The five cent increase would be a great thing for cab drivers in Newport News as well as Hampton. We have to take care of our own gas. We have to spend time waiting on customers. A nickel increase would be great because oftentimes when we wait on them, it takes time away that we could be picking up someone else making more money. I hope that you take into consideration that we are out here taking care of everyone. For example, if people want to go out to have drinks, they call us and we come get them. It would be great if you would agree to the rate increase. Thank you.

Mr. Rudy Langford, 1446 West Queen Street, greeted the Mayor, the members of Council, the City Attorney and the City Manager and made the following statement: I am here this evening in an awkward position because Orange Cab Company are members of the Coalition. I am here this evening asking the Council not to approve this cab rate increase for three reasons. Sixty-five percent of our senior citizens, low-income and disabled people, use cab services to take care of their necessities at the beginning and end of the month. This increase, even ten cents more, will devastate their income because they cannot afford it. Gas prices a month ago were $3.89-$3.93 per gallon; however, are down to $3.32 now. This increase would be a fixed increase regardless of what the economy does. If you raise the cab fare, that will be a permanent increase. I am here tonight on behalf of approximately 300-400 names on a petition given to the Clerk of Council of citizens saying not to put this extra burden on their shoulders because they cannot afford it. All of you understand how the economy is impacting our senior citizens. They go to Walmart or the doctor and the cab has to wait, but they don't have the money. The mileage from their home to the stores has not changed. If you raise taxes, we don't feel it; however, this will impact the quality of life of the 65%-70% of senior citizens who use cabs. If you have to choose between cab owners and senior citizens getting the increase, who do you side with? Do you side with senior citizens on fixed incomes who use the service to get necessities or do you give an increase when

prices are lowering and the economy is getting better? This increase is a fixed increase that you can only take back if you repeal what you do tonight. The signatures on the petition beg you to make a choice, but make it in favor of our senior citizens who deserve to live a quality of life. I'm there, but some of you are not there. Give our citizens a break and vote no.

Mr. Edwin Boone, 48 Snow Street, made the following statement: When Newport News changed the cab law rule, they increased the price of cab fare because gas was higher at the time. Now gas prices are going down. There was a consultant, a City worker, that came before you saying we have to increase the rates because gas prices are going up. Gas prices are going down. Newport News increased the rate and that will be permanent, but that was when gas prices were up. Since gas prices are going down, you need to keep the rates the same. Also, for senior citizens who are on a fixed income that cannot afford to have the rate increase, this is their only way to get around. When a person representing the City says you have reciprocity, that means you can pick up from Newport News in Hampton and Hampton can pick up in Newport News. Since the City Council voted with no input from the citizens, had their four votes and said the Yellow Cab has a monopoly, they cut out the Newport News cabs because they have to have five cars and five years or less. Nobody in Eastend Cab has five. Therefore, when you put a barrier in front of the small company, they can pick up in Newport News only, and can drop off in Hampton, but they cannot pick up in Hampton. However, Newport News has it where Yellow Cab of Hampton can drop off in Newport News, but cannot pick up in Newport News. To say the reason for this is because of gas prices is not so. You do not have reciprocity in Newport News with Hampton Yellow Cab just like Newport News cabs do not have reciprocity meaning you can drop off and pick up in the City you are going to. It was misleading to say that because of the gas prices that we have reciprocity in Newport News – you don't – not with the Yellow Cab and neither does Eastend have it with Hampton to pick up and drop off in Hampton. I suggest you vote for the senior citizens, people on fixed incomes and the disabled, not for the owners of the cabs. You have hundreds of Yellow Cabs, but the small independent owner in Newport News only has one. I suggest you vote no against the cab increase. Thank you.

Mr. Hassan Ali, 236 Hankins Drive, greeted the Mayor and the members of Council and made the following statement: I want to remind you that the reason given to Council when the City of Newport News increased the cab fare was because the City of Hampton has reciprocity with the City of Newport News which is not true. When Newport News increased the rate, gas was almost five dollars per gallon. That is one of the reasons you were told the rate was being increased. Gas is now three dollars. This is going to be a permanent rate increase. I'm going to be a senior in four years. I'm fighting for this not because I have a cab business, but because I am a senior and many other people are going to be seniors too. You don't want someone to charge you $50 to go from the airport to your house. I am here to support Mr. Langford and the seniors. Thank you very much.

Ms. Judy Swystun, 12 South Armistead Ave., greeted the Mayor, the Vice Mayor, the City Manager, the City Attorney and the members of Council and made the following statement: I'm an officer with Yellow Cab of Hampton and have been asked to address several questions raised regarding the change of the last fare increase and about our profit and loss. Since the last fare increase, we have had minimal net income. Over the last two years, our net income has dropped 80%. You heard from many drivers tonight

who are asking for an increase because they haven't had one in eight years. The one that came seven years ago was a fuel surcharge. There are not many people in Hampton or Virginia who have not had an increase in eight years. They also asked me to talk about the cost of digital meters. All of our meters are digital and capable of two rates. For someone who does not have a digital meter, the equipment installation costs about $350. A typical trip for seniors and disabled is a two mile trip for trips to the grocery store, laundromat or pharmacy. Ms. Swystun then reviewed a chart depicting how the price of gas coincides with taxi charge rates over various years.

Ms. Swystun continued we appreciate the City's thoroughness in these very important decisions. We know that you all think very hard on these decisions and we appreciate your thoroughness and taking the time. We know that the cost of living and gas has risen and we hope that you support this request.

Mayor Ward noted that Council's intent is to call upon representatives from the Cab companies (Ms. Swystun and Mr. Cheikh) at the 7:00 p.m. meeting to answer additional questions from Council regarding the rate increase.

Mr. Frank Azzalina, 15423 Warwick Blvd. Suite A., made the following statement: I am speaking on behalf of Yellow Cab of Newport News. We appreciate your consideration for the proposed rate increase. There hasn't been a rate increase since 2005. It is the drivers who are feeling the negative economic impact, not the owners. The drivers collect these fares and the owners do not receive the benefit of these fares. Keeping the rates where they are reduces incentive of Newport News drivers to service Hampton. There are benefits to the City of Hampton in having Newport News taxi service in Hampton. Yellow Cab of Newport News has gone through the expense of having their cabs inspected in Hampton and we pay Hampton the fees as well. Thank you for your consideration. I will be happy to answer any questions.

Mayor Ward noted Council may have questions for Mr. Azzalina at the 7:00 p.m. meeting.

Mr. Tawalu Che, 570 Industrial Park Drive, Newport News, made the following statement: I own American Taxi of Newport News. I would like to talk about the increase in the fare. I think the only City in the Hampton Roads area that has not increased its rate is Hampton. I would also like to mention that other cab companies have discounts for seniors. If you don't do an increase, the people who go to Norfolk will come back with the Norfolk rate which is even higher than Newport News. Since I own a taxi business in Newport News, I would be more encouraged to update my cabs to put them in Newport News, but the difference in the price would not make me do that because we have a raise in Newport News, but a different rate in Hampton. The only City in the Hampton Roads area with the cheapest price is Hampton. Thank you.

Mr. Mohiyidine Cheikh, 7900 Roanoke Ave., Newport News, greeted the Mayor and the members of Council and made the following statement: I am honored to be before you today to talk about this issue and I hope I can give you an idea about the taxi industry. I have driven a taxi, have owned a taxi and have owned a taxi company. I went through the process to learn what a cab driver would suffer, what an owner would want and what the company must also suffer. I am a certified meter technician in Virginia and know a lot about meters if you have questions regarding the increase and how it can affect people. I outsourced research from the consumer energy reports regarding the increase

of gas prices for the last few years. Between 2007 – 2009, there was a full $1 increase per gallon of gas. The results were there is an approximate $408 for a $1 increase per gallon that every driver will lose.

Mr. Cheikh continued his statement on a different topic. I also want to speak about what the drivers do for cities in the United States and the world. They are the hardest workers; they work many hours; they suffer from any increase regarding the economy, but are the last ones to get a reward. I want to ask you to reconsider giving them something to motivate them to work and make a decent living. Since May 1st when Newport News increased their rates, I have monitored what has been going on. I am a citizen and want to know what my customers suffer from. I guarantee you, since this has happened, we have not had one complaint; not one driver had an issue with any low or high income. All I saw was happiness on drivers' faces by the end of the week.

Mayor Ward stated Council may have questions for Mr. Cheikh at the 7:00 p.m. meeting regarding how the rate increase will affect his business. She then called for any additional speakers for public comment. There were two additional speakers.

Mr. David Dietrich, 139 Wilderness Road, made the following statement: I would like to congratulate the winners of the recent election, Mayor Ward, Vice Mayor Wallace, Mr. Hobbs and Ms. Snead. Very good race, Mr. Tuck. I enjoyed the debates and discussions. What are our expectations for Hampton as a result of these recent elections? What will change as far as your actions with respect to the citizens of Hampton? Will we have greater transparency now? Will we have greater responsiveness to the public? For example, the last time I came before Council, Mr. Wallace, you said you would post on the Council website information pertaining to Mr. Ottofaro's case. Has that occurred yet? Has any action been taken on that? Vice Mayor Wallace replied yes. Mr. Dietrich thanked Mr. Wallace and continued his statement. I'd like to move on to an issue that is important to me that I have brought before Council now for several months that I have not seen any action on and I would like to request action be taken. This has to do with the National Defense Authorization Act of 2012. Virginia House Bill 1160 will become Virginia Law on July 1. The words are – will prevent any agency, political subdivision, employee or member of the military of Virginia from assisting an agency of the Armed Forces of the United States in the conduct of the investigation, prosecution or detention of the United States citizen in violation of the United States Constitution, Constitution of Virginia or any Virginia Law or Regulation.

Mr. Dietrich continued his statement: I would like to make a request once again from the City Council. Will you, Mayor Ward or any other member of the Council bring before the Council a proposal, a resolution to pass within the City of Hampton that our Police Force will not be used in support of such action. That is what I am requesting and I would like for it to be on public record that you stand for the public safety of the residents of Hampton. I don't want to see a safety officer or local law officer shot for entering somebody's home illegally in pursuit of this illegal National Defense Authorization Act. I am asking that you do this for the citizens of Hampton and give us satisfaction that you consider the safety of our citizens of the utmost importance in your role as Councilmembers and as Mayor of Hampton. Thank you very much for your time.

Mr. Frank Dalton, 16 Pratt Street, made the following statement: I am here representing the Newtown Junior Golf Club. We had put in for a request thinking it would be on the

docket today that it would have been approved by Council for us to utilize the Hampton's Golf facility. We have been utilizing that facility for over the past ten years. It started out with a gentleman who is now deceased, Mr. Glen Hughes. We have kids who have registered through the Newtown Improvement and Civic Organization for the golf program and we are waiting to get on the golf course. We have not been able to utilize it at all. We would hope that you would move quickly and let us know that we can utilize the golf facility as we have over the past ten years. If so, you may contact me to let me know that we are able to utilize the facility. We have gone to Bethesda, Maryland and various places. We are welcomed at the Ladies Professional Golf Association (LPGA) as well as the Professional Golfers' Association (PGA). We do a lot in the community for the kids and it is a program where we do not charge the kids; instead, we ask for a $25 administration fee. We are doing a lot for the community and representing Hampton in a great way. When they go out to various places, they wear their shirts representing Hampton. This has been a positive light on Hampton as well as the Newtown Community Learning Center.

Mayor Ward noted that she and Vice Mayor Wallace have discussed this with the City Attorney. She recommended Mr. Dalton speak with City Attorney Hudson after the Public Comment period so that she could explain to him what needs to be done. She thanked him for his attendance.

Vice Mayor Wallace commented that Council appreciates the program and recognizes it. He further stated he was on the Boys' Club Board for years; and therefore, knows how the program works. He said he is aware that the Mayor and City Manager are trying to resolve the situation; however, there are certain steps Mr. Dalton needs to take before Council can respond.

The meeting adjourned at 6:42 p.m.

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Molly Joseph Ward
Mayor

_____
Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____