



City of Hampton

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

Notice of Action City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor 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, January 8, 2020

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

INVOCATION - Vice Mayor Jimmy Gray

Vice Mayor Gray gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck read a proclamation honoring Hampton University's Marching Force who recently participated in the New Year's Day parade in Rome, Italy.

Following the presentation, Mayor Tuck shared information on the upcoming Hampton Heroes ceremony which will take place at the Hampton Heroes Plaza on Monday, January 20, 2020, at 1 p.m. at the Hampton Roads Convention Center. The indoor ceremony will honor:

Advocates for Mental Health:

Richard Marshall Bagley
Rufus B. and Evelyn Easter
Harriet Nachman Storm

Modern-era Trailblazers in Public Service:

Dr. Mary T. Christian
William Mason Cooper
James L. Eason
Juanita F. Gupton
Ann Hitch Kilgore
John M. Phillips, Sr.
Wilford Taylor, Jr.
George E. Wallace
Yarborough B. "Y.B" Williams

CONSENT AGENDA

There were no items on the consent agenda.

PRESENTATIONS, PROCLAMATIONS, AWARDS

1. [20-0014](#) City of Hampton Gaming Market Analysis
Presented by Michael Soll, President, and Tom Zitt, Executive Vice President of Innovations Group.

PUBLIC HEARINGS

Rezoning

2. [20-0009](#) Comprehensive Plan Amendment To The Hampton Community Plan (2006, As Amended) By The City Of Hampton To Update The Land Use Policies And Associated Map For Certain Magruder Boulevard Corridor Parcels Within Langley Research And Development Park [LRSNs 13000969, 6000986, 6000985, 6000987, 6000996, 6001303, And 6000977] Known As 17, 18, 21, 22, 36, And 104 Research Drive, And 3209 Commander Shepard Boulevard, Respectively Totaling 16.5+/- Acres

Presented by Donald Whipple, Chief Planner.

A joint public hearing was held on items #2 through #6. No speakers were present on these items.

Following the public hearing, a motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this use permit be approved. 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

3. [20-0011](#) Ordinance To Amend And Re-Enact Chapter 8 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Adding Article IX - Langley Business Park District
Presented by Donald Whipple, Chief Planner.

A joint public hearing was held on items #2 through #6. No speakers were present on these items.

Following the public hearing, a motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Zoning Ordinance - Text be approved. 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

4. [20-0010](#) Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" Pertaining To The Langley Business Park District
Presented by Donald Whipple, Chief Planner.

A joint public hearing was held on items #2 through #6. No speakers were present on these items.

Following the public hearing, a motion was made by

Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text be approved. 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

5. [20-0012](#) Ordinance To Amend And Re-Enact Chapter 10 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Signs" By Amending Articles II and III Pertaining to Langley Business Park District Signs

Presented by Donald Whipple, Chief Planner.

A joint public hearing was held on items #2 through #6. No speakers were present on these items.

Following the public hearing, a motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Zoning Ordinance - Text be approved. 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

6. [20-0015](#) Rezoning Application by the City of Hampton to rezone 177± acres from Limited Manufacturing (M-1) Multiple Residential (RM) and Neighborhood Commercial (C-1) Districts to Langley Business Park (LBP) District including the following LRSNs: 6000759, 6000760, 6000762, 6000767, 6000769, 6000969, 6000851, 6000852, 6000854, 6000972, 6000973, 6000974, 6000976, 6000977, 6000978, 6000979, 6000981, 6000985, 6000986, 6000987, 6000988, 6000991, 6000992, 6000993, 6000994, 6000995, 6000998, 6001001, 6001004, 6001005, 6001006, 6001007, 6001008, 6001009 6001303, 6001443, 6001444, 13000452, 13000943, 13000969, 13000970, 13003486, 13003976, 13003978, 13004073, and 13004304

Presented by Donald Whipple, Chief Planner.

A joint public hearing was held on items #2 through #6. No speakers were present on these items.

Following the public hearing, a motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Rezoning Application / Zoning Ordinance - Map be approved. 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

Use Permits

7. [20-0013](#) Use Permit Application by Rahshodd McNeil for a tattoo parlor at 51-55 N. Mallory Street [LRSN: 12001704]
Presented by Mike Hayes, Planning and Zoning Division Manager.

There were no speakers during the public hearing.

Following the public hearing, a motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Use Permit be approved with six (6) 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

8. [20-0008](#) Use Permit Application by Madison Capital Group (MCG) VA Sears L.L.C. to operate a storage facility 2 as part of a proposed mixed commercial development located at 5200 W. Mercury Boulevard [LRSN: 3002532]
Presented by Donald Whipple, Chief Planner.

R. J. Nutter, the applicant, spoke during the public hearing.

Following the public hearing, a motion was made by Councilmember Linda Curtis and seconded by Councilmember

Billy Hobbs, that this Use Permit be approved with eight (8) 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

Resolutions

9. [20-0006](#) Resolution Authorizing Execution of a Right of Way Agreement Granting an Easement Consisting of 1,138+/- Square Feet to Dominion Energy Virginia Over Property Located at 715 Eaton Street in Order to Facilitate the Relocation of Above-Ground Utilities as Part of the Construction of the North King Street/Brights Creek Area Stormwater Basin Retrofit

Mary Bunting, City Manager, presented information on this item.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Resolution be approved. 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

Forty individuals spoke during the public comment period.

During the Public Comment period, the City Manager addressed a comment about a reduction in the budget of the Police Division. Ms. Bunting explained that there was a reduction in the budget but not in staffing levels. This was created because of a number of staff retirements where higher salaried individuals retired and were replaced by younger lower salaried employees.

During public comment, a ten minute recess was taken from 8:20 until 8:30 p.m.

GENERAL ITEMS

Resolutions

10. [20-0020](#) Resolution in Support of Second Amendment Rights

Mayor Tuck called upon Councilwoman Brown.

Councilwoman Brown made the following statement:

I want to thank all of the citizens who have engaged on this issue, coming to Council, emailing Council, organizing meetings and sharing thoughts on social media. An informed and engaged citizenry is critical to a free society.

Since our last meeting I have wrestled with how to respond to the passionate voices which addressed us last month on both sides of this issue. I have laid awake nights, I have prayed, I have conferred with my colleagues and constituents. I have heard from respected leaders, read passionate emails and reviewed multiple resolutions enacted by other jurisdictions. I received a legal briefing. I have thought about our founders and I have thought about our current times, times of division, of fear-mongering, of hate. I have considered the role of local government and the privilege it is to be elected to represent the people, all the people.

I agreed to place a resolution on today's agenda to acknowledge the many citizens seeking to hear from their local leaders on this issue. I understand that desire to be heard, to have a voice and to have input into the promulgation of laws that impact our lives. We have heard from citizens who feel some of the proposed legislation pre-filed in the General Assembly goes too far. Some even propose declaring Hampton a Second Amendment Sanctuary City which would not enforce laws deemed by some to be unconstitutional. But it is not for this body to decide where those lines are to be drawn. Those lines will, ultimately, be drawn by the Courts and this body does not by this proposed Resolution attempt to draw those lines. We at the local level can acknowledge our respect for and support of the second amendment, and I reiterate my support for law-abiding citizens to keep and bear arms, but we cannot support any notion that we

would not respect the Rule of Law. My concern -and I believe the concern of others on Council - is that the proposed resolution is being misinterpreted as declaring us a sanctuary city. For that reason, I will here withdraw my support for the proposed Resolution.

I had hopes that we in Hampton could find a uniquely Hamptonian way of giving voice to all sides of this issue. That we could acknowledge that our citizens have rights guaranteed by the Second Amendment all the while agreeing that common sense gun measures are appropriate. I am proud to say that our Council has come to a consensus on a statement to share today. Indeed, we should all acknowledge the freedoms that our U.S. Constitution, the Bill of Rights and the Va. Constitution afford us. And, we must acknowledge gun violence in our community and work hard to combat the poverty, oppression and mental illness that feed it.

For those in the 2A Movement who may be disappointed in this result, I urge you to stay involved in your City. Your voice does count. We may not all agree on this issue but we have so much about which we do agree. Let this be our clarion call to come together as Hamptonians, to lift up one another, to celebrate one another, to offer opportunity and friendship to our neighbors. That Hamptonians support the Constitution AND sensible gun laws; the two are not mutually exclusive. Only through understanding will the fear that tries to divide us teach us that we are all of one purpose. That we each want to live in freedom, freedom to prosper, to thrive, freedom from fear, freedom to live out our God-given purposes in this life.

It is the unique experiment that is the United States of America, and the inspired words of our Constitution which guarantee those freedoms. I vow to re-double my efforts to understand the view points of all Hamptonians and to work to bring our citizens together in unity. I urge each and every one of us, regardless of position on this issue, race or political party to work to make 2020 a year of understanding, friendship and unity in Hampton.

She then made a motion to withdraw agenda item #10 20-0020. No second was required. Hearing no objection, Mayor Tuck stated that agenda item #10 / legislative item #20-0020 was withdrawn from the agenda.

Mayor Tuck then made the following statement on behalf of the Hampton City Council:

We want to acknowledge the many people who came to our last Council meeting and this evening's meeting to address pending gun legislation at the General Assembly. We are so proud of how many people chose to positively engage with us on both sides of the issue. The audience was very passionate and yet also very respectful. This is Hampton - a very diverse and engaged community. We did not address the audience after the last meeting as we wanted to deliberate on all the voices. Today we want to collectively address the issues.

We all took an oath of office to support the US and Virginia Constitutions, including the constitutional right of law-abiding citizens to keep and bear arms. While the General Assembly is considering a number of pre-filed bills related to gun control in the Commonwealth, the Hampton City Council is concerned that the potential effect of some of these bills could result in the criminalization of law-abiding citizens in Hampton.

We support sensible gun legislation such as the two policy positions we presented in our legislative package. Therefore, we urge all Virginia legislators to approach gun legislation with great care and full consideration of 2nd amendment concerns.

Appointments

11. [20-0017](#) Consideration of an appointment to the Planning Commission
A motion was made by Councilmember Linda Curtis that Assistant City Manager Steven Bond be appointed to the Planning Commission in the place of City Manager Mary Bunting. 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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There was no new business.

ADJOURNMENT

Mayor Tuck reminded those in attendance of the Hampton Heroes eveng on January 20th at 1 p.m.

The meeting adjourned at 9:40 p.m.

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