



# 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 Chris L. Bowman*  
*Councilmember Eleanor Weston Brown*  
*Councilmember Steven L. Brown*  
*Councilmember Billy Hobbs*  
*Councilmember Chris Snead*

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

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**Wednesday, October 14, 2020**

**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.

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

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilman Chris Bowman

Councilman Bowman gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck welcomed everyone to the meeting and noted that staff and the members of Council were taking precautionary measures by social distancing and wearing masks.

Mayor Tuck recognized the Virginia Crusaders Athletic Program (Virginia Crusaders Adult Men's Minor League Football Team and Youth Development and Training Center). Those in attendance who stood to be recognized included: Head Coach/Owner Larry Stith, General Manager/Co-Owner Laticia Stith, Steve Coleman, Steve Rodriguez, Mike Codie, Isaac Powell, Scorpio Brown, Tyree Martin, and

Jeffery Carter. Mayor Tuck also shared some statistics and accomplishments about the team. Head Coach Stith made remarks and thanked their fans and the City of Hampton for supporting the program over the past 15 years. The guests in attendance came forward to be photographed with Mayor Tuck.

Mayor Tuck made the following remarks regarding the Mayor's Cup Blood Drive: The Mayor's Cup Blood Drive is a friendly 23-year-old competition that encourages local government employees to donate blood and raise awareness about the constant need for blood, especially during the summer. To win the Mayor's Cup, Hampton competes with Newport News, Chesapeake, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Isle of Wight, Franklin and Poquoson. The winner is determined by the number of donations as a percentage of the total employees at each locality. Although blood donations often decline during the summer months, the need for blood is constant and never decreases. Every two seconds, someone in the U.S. requires blood or platelets. It takes up to 50 units of blood to save a life from gun violence. All blood types are needed and one pint of donated blood can help save up to three lives.

Mayor Tuck also made the following announcement: Hampton hosted blood drives on June 23 and 24 at the Hampton Coliseum, coordinated by the Hampton Convention and Visitor Bureau, and on August 27 at City Hall hosted by Hampton Parks, Recreation and Leisure Services. Additionally, the Hampton Coliseum worked with the American Red Cross to hold drives that were unable to be held at other sites due to COVID. The Coliseum arena floor allows ample room for social distancing and Red Cross staff oversight of all stations. The staff of the Hampton Convention and Visitor Bureau; Parks, Recreation, and Leisure Services; and the Hampton Coliseum supported the drives with social media and email blasts, and City staff and members of our community participated by donating valuable blood during this critical time. It is my pleasure and honor to receive the 2020 Mayor's Cup trophy.

Debi Henle of the American Red Cross presented the Mayor's Cup Trophy to Mayor Tuck; congratulated the Mayor and the City of Hampton on this accomplishment; and thanked the City for all it has done over the years to help save lives with blood drives.

City Manager Mary Bunting thanked the Hampton Convention and Visitor Bureau Director Mary Fugere who led the City's effort during the blood drive. She also acknowledged the workforce for caring enough to participate in the blood drive particularly during the pandemic.

Mayor Tuck reminded everyone that those interested in donating blood may schedule an appointment at [RedCrossBlood.org](https://www.RedCrossBlood.org). He also announced that the next

blood drive will take place October 18 at the Hampton Coliseum.

The Mayor reminded citizens that they should properly dispose of pet waste when walking their pets. He also asked that citizens remember that they should adhere to the signs on local tennis courts with respect to their proper use.

[20-0309](#)

Motion to Change the Order of the Public Hearing Items to Hear Item #11 in advance of Items #8, #9, and #10.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this motion be approved. The motion carried by the following vote:

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

**CONSENT AGENDA**

Clerk of Council Katherine Glass read the protocol for the consent agenda and a summary of the consent items.

**Approval of the Consent Agenda**

Motion made by Councilmember Snead, seconded by Councilmember Steven Brown, to approve the Consent Agenda. The motion carried by the following vote:

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

1. [20-0227](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget and Appropriate \$74,037.19 from the Hazmat Restricted Fund Balance to the Fire and Rescue Division's General Fund Operating Budget

**Attachments:** [Hazmat Recovery Fees - NWS](#)

Item approved.

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

2. [20-0284](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the Fiscal Year 2021 Behavioral Health Court Docket Grant awarded by the Supreme Court of Virginia

**Attachments:** [Concept Paper HBHD](#)  
[HBHD Award Acceptance](#)  
[HBHD Award Letter](#)  
[HBHD special conditions](#)  
[FY21 Quarterly Report Due Dates](#)

Item approved.

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

3. [20-0285](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget and Appropriate a total of \$328,134.49 from the General Fund Committed and Restricted Fund Balances to the General Fund Operating Budgets of the City Attorney, Emergency Management, Human Services-Youth and Young Adult Opportunities, Office of the Magistrate, and Public Works-Drainage Maintenance to Complete Activities Started in Fiscal Year 2020 Using Residual Funding from the Previously Appropriated Fiscal Year 2020 Budget

Item approved.

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

4. [20-0292](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the 2020 Coronavirus Emergency Supplemental Funding Grant Awarded by the Virginia Department of Criminal Justice Services ("DCJS") to the City of Hampton, Virginia

**Attachments:** [Award Letter](#)  
[Application Face Sheet](#)  
[CESF Grant Proposal Overview](#)  
[Grant Routing Form for CESF Grant \(002\)](#)  
[Itemized Budget - corrected](#)  
[Project Narrative](#)

Item approved.

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

5. [20-0301](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Appropriate \$375,560.00 from the Hampton Roads Convention Center Fund's Unappropriated Bond Interest to the Capital Projects Fund for Maintenance at the Hampton Roads Convention Center

Item approved.

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

6. [20-0282](#) Approval of the minutes from the Work and Legislative Sessions of September 9, 2020, and the Special, Work, Ceremonial and Legislative Sessions of September 23, 2020.

Item approved.

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

7. [20-0275](#) Approval of Hampton City Council Meeting Calendar for 2021

**Attachments:** [Draft 2021 Calendar](#)

Item approved.

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

## PRESENTATIONS, PROCLAMATIONS, AWARDS

### PUBLIC HEARINGS

The Clerk of Council read the protocol for public hearings.

### Ordinances

11. [20-0287](#) Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled, "Uses Permitted" By Amending Section 3-2(b) Pertaining to Uses Permitted in the Light Manufacturing (M-2) District

**Attachments:** [Standard Zoning District Use Table Clean](#)  
[Redline](#)  
[Redline Use Table](#)  
[Presentation](#)

The Clerk of Council read the title for the item.

Ms. Bunting introduced the item.

Zoning Administrator Hannah Sabo greeted those on the dais and explained that this amendment will add four uses to the M-2 Light Manufacturing District. She continued saying that, as a result of the City's on-going assessment of land use regulations with respect to the change in the economy, the M-2 district was considered in the context of the other manufacturing districts.

Ms. Sabo briefly shared a bit of background information about each of the manufacturing districts (M-1, M-2, M-3, Hampton Roads Center Districts, and the Langley Business Park).

Ms. Sabo explained that additional uses came out of discussions with Economic Development about balancing the region's economic market and good planning practices with the goal of ensuring that our businesses and research parks reflect the current and projected trends. She noted that the uses being added fit with the light manufacturing category.

Ms. Sabo reviewed the next few slides of the presentation which show maps of the impacted areas in the City.

Ms. Sabo spoke about the specific uses (categories) that staff is proposing to be added to the M-2 district. They include: office, laboratory or research;

manufacturing, processing/treatment; utility infrastructure, structure to house a government function; and railroad track spur. She noted that a new zoning ordinance amendment will not need to be created each time new products come to the market or as new manufacturing processes are added; instead, they should fall into one of these four categories. This makes it easier to categorize new types of manufacturing.

Ms. Sabo paused to emphasize that the office, laboratory or research category does not include the testing of explosives. This condition is attached to that use.

Ms. Sabo reiterated that the goals are to compete favorably with similar business parks; ensure that there is an economically diverse tax base; and be consistent with the comprehensive plan.

Ms. Sabo stated that staff and the Planning Commission recommend approval of the Zoning Ordinance Amendment and then opened the floor for questions. No questions were posed.

Public Hearing:

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

A motion was made by Councilmember Snead and seconded by Councilmember Bowman, that this Zoning Ordinance - Text be approved . The motion carried by the following vote:

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

8. [20-0290](#) Ordinance to Amend and Reenact Sections 24-39 and 24-39.1 of the City Code of the City of Hampton, Virginia, Entitled, "Open Storage of Inoperable Vehicles on Property Zoned for Residential Purposes," and "Open Storage of Inoperable Vehicles on Property Zoned For Other Than Residential Purposes"

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

The Clerk of Council announced that items 20-0290, 20-0288 and 20-0289 will be handled with one public hearing, but require separate votes. She then read the titles for each item.

Zoning Administrator Hannah Sabo began the presentation and said that each of these items are related to vehicle uses, but in two different groups. She clarified that 20-0290 is a City Code amendment that addresses inoperable vehicles which will impact existing businesses. Zoning ordinance amendments #20-0288 and #20-0289 add definitions and are related to uses. These two ordinance amendments will only affect future businesses, but not those currently in operation (ones that are grandfathered).

Property Maintenance and Zoning Enforcement Manger Kim Mikel greeted those on the dais and reminded everyone that several years ago, updates were made to the Residential Inoperable Vehicle Ordinance. As a result, violations are able to be enforced through short compliance times and clear language. Staff has circled back to the Commercial Inoperable Vehicle Code in hopes of doing the same.

Ms. Mikel noted that she would review some definition changes to the Residential Code as well as the proposed changes to the Commercial Inoperable Vehicle Ordinance.

Ms. Mikel stated that the definition of residential zoned properties has been changed to be consistent with the zoning ordinance. The definition of owner has also been added for clarification purposes.

Ms. Mikel stated the three criteria used in the effort to strengthen and clarify language include: compliance time, number of unscreened and inoperable vehicles allowed for commercial uses, and state code exemptions.

Ms. Mikel reviewed some information about the current Commercial Inoperable Vehicle Code. She explained that the following changes are being proposed because the current ordinance does not allow for effective regulation of inoperable vehicles in relation to the growing number of vehicle uses in the City: the only properties that will be able to have unscreened inoperable vehicles are those which are licensed and regularly engaged in heavy vehicle repair; the initial compliance time will be changed from 60 days to 10 days; and state code exemptions would be more strictly interpreted. Ms. Mikel added that the enforcement for both residential and commercial inoperable vehicles will now be consistent in regard to compliance time and abatement.

Ms. Mikel opened the floor for questions from those on the dais.

In response to Mayor Tuck, Ms. Mikel said that this will impact many of the properties on Pembroke Avenue. She explained the current interpretation of state



code exemptions allow pop up auto sales to have inoperable vehicles; this change requires inoperable vehicles to be screened (with the exception of heavy vehicle repair).

Mayor Tuck asked about a specific area where vehicles are being stored on state property.

Ms. Mikel shared that in that case, a title search determined that it is state property, and, therefore, the City has no authority; however, is attempting to get that resolved.

Mayor Tuck asked if properties deemed to be not in compliance but have screened vehicles are allowed to exist as it is currently operating.

Ms. Mikel explained if the vehicles are located and screened on the property beyond the 30 days, a zoning violation can be enforced.

Councilman Brown asked if the same restrictions and enforcements apply to those who rent or lease property.

Ms. Mikel said the City has several options of who they may distribute a notice of violation to including the owner, owner of record, tenant, and owner of the vehicle.

In response to Councilman Brown, Ms. Mikel said currently, the definition of residential inoperable is the vehicle has to be in operating condition and has to have current registration and a current inspection sticker; whereas, the commercial definition requires the vehicle to be in operating condition, but has to have either a current registration or current inspection.

In response to Councilwoman Snead, Ms. Sabo said the regulations for the zoning ordinance will apply to new businesses; whereas, the inoperable section Ms. Mikel spoke about, the City Code, will apply to existing businesses as well.

Ms. Sabo continued the presentation regarding the Zoning Ordinance Amendment. She explained that this amendment will clarify and codify vehicle related uses and align our uses with the Division of Motor Vehicles (DMV). Additionally, Council and the Planning Commission have sought additional oversight on some of the vehicle related uses. She noted that while we are limited with what we can do with already legally established operations, these changes will have a positive impact going forward.

Ms. Sabo reviewed the definitions for the following terms in the amendment: new vehicle inventory lot; scrap metal processor; light vehicle repair; heavy vehicle

repair; rebuild; vehicle storage (indoor and outdoor); and salvage/wrecking.

Ms. Sabo reviewed the next few slides of the presentation which provide information about where the functions listed above are permitted in various districts of the City. Ms. Sabo also shared which districts allow used vehicle sales.

In response to Councilman Brown, Ms. Sabo clarified that there is no set number for outdoor vehicle storage; however, that number could be set with conditions associated with a use permit.

Ms. Sabo summarized the changes. With regard to the City Code, the compliance period is being shortened; there will be stricter screening requirements with inoperable vehicles; and there will be more limited exemptions. With regard to the zoning portion, new definitions are being added as well as more oversight on the vehicle related uses.

Ms. Sabo stated that staff and the Planning Commission recommend approval of the three amendments and then opened the floor for questions from those on the dais. No questions were posed.

**PUBLIC HEARING:**

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

A motion was made by Councilmember Snead and seconded by Councilmember Brown, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

9. [20-0288](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia by Amending Chapter 2 Entitled "Definitions" Pertaining to Vehicle Use Definitions

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

This item was handled simultaneously with item 20-0290.

Presented by Kim Mikel, Property Maintenance & Zoning Enforcement Manager, and Hannah Sabo, Zoning Administrator.

A joint public hearing was held on items #8 20-0290, #9 20-0288, and #10 20-0289. The Mayor opened the public hearing. There were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

10. [20-0289](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards on Uses," to Modify Where and How Certain Vehicle Uses are Permitted

**Attachments:** [Table of Uses Permitted in Standard Zoning Districts](#)  
[Table of Uses Permitted in Special Zoning Districts](#)  
[Redline](#)  
[Redline - Table of Uses Permitted in Special Districts](#)  
[Redline - Table of Uses Permitted in Standard Districts](#)  
[Presentation Reference](#)

This item was handled simultaneously with item 20-0290.

Presented by Kim Mikel, Property Maintenance & Zoning Enforcement Manager, and Hannah Sabo, Zoning Administrator. A joint public hearing was held on items #8 20-0290, #9 20-0288, and #10 20-0289. The Mayor opened the public hearing. There were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

**PUBLIC COMMENT**

The Clerk read the protocol for the public comment period.

Ms. Bethany Stevenson greeted those on the dais and made the following statement: I'm the mother of four. My family moved to Virginia at the end of 2018 and we fell in love with the state and the community. We quickly learned the political climate of Virginia was going in a direction that greatly concerned us. Last year, we were having discussions about raising our family here and now we are having discussions about where we can live in this country where our rights aren't being infringed. We live a few blocks from Buckroe Beach and because we have one vehicle, it is the only place that we can go when my husband has the car to go to work all day just to keep our heads above water because he hasn't been allowed to work since March until the last week of September. For the last seven months, the playground, which our taxes pay for, has sat vacant. No children, no playing, no friendships formed running around in the sunshine. When we entered phase 2, it was well-known that the vitamin D which we get from the sun kills the Coronavirus and the risk to children was not only not fatal, but almost non-existent. I assumed a lock on our park would be not there, but to my surprise, it was still there and the swings were chained together. God forbid, someone hop the fence and try to swing. The risk of transmission and the age group 0-19 is 0.0003%, so you are not making decisions based on science. Kids need to run and play. That's good and healthy for them. Healthy immune systems end pandemics, not masks, not vaccines, not toxic cleaning products that actually attack the lungs and increase the risk of respiratory illness. When you wear a mask, you are trapping the moisture, you are re-breathing it in and creating bacteria in your mouth. Now, we are seeing reports from dentists: they call it mask mouth and maskne which creates lesions around the mouth, chronic bad breath, strep throat and ironically, the coronavirus. The Center for Disease Control (CDC) recently - the risk of people who wear masks constantly contracting COVID are at 70% and 3.9% of people contracting COVID never wear masks. The World Health Organization says people that are healthy should not even wear masks. These violations of our civil liberties for the good of the people and backed by science is bull. Per Governor Northam's executive order 69, the mask requirement was supposed to end on September 8, but he decided to make another one extending it to December 8. We were barely making ends meet before, and now we are thousands and thousands of dollars in debt which of course adds to our stress and mental health which in turn can make people sick. We are one of many families who has been affected by this government over-reach. COVID isn't doing this. Our government is doing this. In this clown show, I can't go anywhere because the rules have gotten stricter and people have gotten even crazier about people who don't or can't wear masks. My teeth are breaking out of my mouth and I can't even get a dentist appointment without a mask and temperature check

requirement. I can't go in public without having a panic attack because I can't see anybody's face. It's very intimidating as a sexual abuse survivor and a mom of young children that I can't identify anyone's face. These measures do not reflect public health or safety or science.

Ms. Stevenson heard the timer and asked if her speaking time had expired. Mayor Tuck replied, it has, thank you.

Mr. Ronnie Yarrington greeted those on the dais and made the following statement: Good prayer too, by the way. You had a good title and I hope I'm using the right title. The Mayor talked about saving the City money. We did a resurfacing on Todd's Lane five years ago or something. I said that the manholes were wrong. The City inspector said no, they were within inspection, and so, then all of a sudden a year goes by and so the people are gone (got the people from out of town - might be not the best idea) and so then finally, we got the City to come out there to jack up the manholes, well them down on our dime. And, I'm not sure that's quite right. I wouldn't say the City inspector's name, but anyway, that was just one of the things; there's much more to the story. The reason it got done, because I called 311 because you kept dodging the manhole to keep from getting your teeth knocked out of your head. So, we got the manhole fixed, then we have the Northampton drainage project which is where I live on 35 Northampton Drive. The guy that retired, anyway, good guy. Here comes the contractor, he comes in there, he is going to do the best things since bottled Pepsi and needless to say, he tells you what you want to hear to get the money. So, we got two pieces of concrete out from my house that's got cracks in them. I called 311 and said what the status is? I knew that October was coming up for the inspection and they said well, we are just going to keep an eye on this concrete and if we have a problem with them, we'll fix them because we've asked the contractor too much to do for us. I said - you are wrong there. If you can't deal better than that and get the quit pro quo, you're in the wrong business. So, Jason Mitchell said that's not what happened. We are going to hold the contractor to the thing, to the fire, so that's a good thing there. You got somebody that is cutting the grass and shooting the grass out into the street. So, you call 311; it goes to Codes and Compliance, and then here comes the rain storm, but where does the grass go? It goes out to the Chesapeake Bay and watershed. So, then you call again - he does it on purpose. I don't know? You turn the lawnmower the other way and shoot it back into the yard, but it doesn't happen, so then it's either the street sweeper gets it or you call the 311 and it goes to Codes and Compliance to the people that watch the water going down the drain, and then the heat serves it back and it goes back to Codes and Compliance. I think they get seven days. Well, you could have rain in that. I think that ought to be changed for sure. But, I think this one is the one that broke the straw on the camel's back. You've got a terrible, I won't say terrible, because you need to do things in your

neighborhood. It's a gas line that is being put.

Mayor Tuck informed Mr. Yarrington that his speaking time had expired.

Mr. Craig Knopp greeted those on the dais and made the following statement: I live here in Hampton just like everyone else. I really don't have a lot to speak about tonight. Usually, I like to have a bunch of things, but tonight, I just don't have a lot of items. I do have one safety concern, though, and this one is a major one that we definitely, definitely need to go and talk to our governor on. So, HB5058 was passed, last couple of days here, and section 46.2-1030 item F says that no longer can you stop as a primary item a person with broken headlights or taillights at all. Now, this is an issue and the safety issue comes into concern at night. That means somebody could be driving down the road, no lights, no taillights at all and the police are not supposed to stop them. This is an issue. Now, I've talked to Delegate Mugler on this to ask her if she could pull this back some way to revise it and she has told me that it is too late to revise it; it has gone to the governor. So, I am not real sure and I am still learning about our lobbying; how we can lobby and everything, but I'm asking that the City use its lobbying powers to lobby to the governor to send it back to the General Assembly to revise the section of HB5058 section 46.2-1030 item F to say that the cops can stop somebody at night for broken headlights or taillights due to the major safety issues that this causes. So, that's all I have to add. Thank you.

Ms. Brenda Marks greeted those on the dais and made the following statement: I address you tonight in an ongoing fact-seeking expedition. Where Sunset Boat Ramp was the spark that lit the fuse, the more I have tried to understand the City's logic and the more information I have obtained, it has led to more questions that have been raised. First, you have a package that I am going to reference, the items in that package. First, I have in my possession from Fire Chief Monk addressed to Mary Bunting, City Manager, regarding the operational importance of Sunset Creek Boat Ramp. The letter contains several of what I deem important facts. Those being Sunset Creek Boat Ramp is the only immediate access for public safety marine vessels onto Hampton Creek. Although this ramp may not be used often, the ability to gain quick access to the Hampton Creek is vital. With the Hampton Roads Bridge Tunnel expansion project, a public primary and secondary launch point to affect the rest of the operation would be beneficial. There may be a very real need to utilize the Sunset Creek Boat Ramp as a small boat launch during this project. I wanted to ensure that I shared the Fire Department's perspective prior to further discussions as a matter of public safety. I present this information to you this evening in order to be certain that every Council member was aware of this letter. If you were not provided this letter during the briefing in closed session regarding the sale of the ramp, I would ask why? But if you were given this letter and we are

continuing the discussions on plans to sell the boat ramp, I would ask what has Bluewater offered the City of Hampton collectively or either of you privately that would cause you to act with such blatant disregard for the safety and well-being of the residents of the City and it's visitors who enjoy our waterways. Secondly, I have provided you with a copy of the City Code regarding encroachments on property belonging to the City. In December 2008, the City was made aware that Bluewater has infringed on the riparian rights at Sunset Creek Boat Ramp. By City Code, the Public Works Director is charged with notifying them to abate the encroachment and every violation after the expiration of that notice becomes a separate misdemeanor offense. I requested a copy of the notice that the Public Works Director should have given Bluewater in 2008 and my Freedom of Information response was no such document exists. Why when I had to get a license agreement to park my car in front of my house on a City easement and pay a million dollar policy did I have to do that and they get to encroach for 12 years?

Ms. Gaylene Kanoyton greeted those on the dais and made the following statement: I'm the president of the Hampton branch NAACP and I thank you for letting me speak today. November 3, is a very important day. It's a day of celebration. We get to exercise our right to vote. We want everyone to feel safe when they go cast their vote on November 3. In the climate that we are in in this country right now, gun permits has increased tremendously from four to five applications a month to eight to ten a day. We are asking for Members of Council to please pass an ordinance to prevent firearms to come to the polling places in public buildings like libraries and community centers. You don't need to have a gun to vote. You can leave it in your car. That is fine. It is going to be lines on November 3. We want people to have fun. They want fun in line. We don't want anybody to feel intimidated while they are going to cast their vote. We want them to wear their masks, social distance, and talk to each other six feet apart away from each other. But, it will be lines on Election Day and we don't want anyone to feel intimidated or anyone to feel threatened to go cast their vote on November 3. So, we are asking to have an ordinance put in place. The General Assembly passed legislation giving the authority for localities to pass this ordinance and many cities have done that. Newport News and other cities have done that as well. So, again, I want you to please consider it and we want our voters to have fun and vote early if they can or cast their vote early. But the bottom line is to cast your vote should be a celebration. Thank you.

Ms. Rebecca Winn greeted those on the dais and made the following statement: I would like to pick up where Gaylene left off and talk more about the need for this Council to pass an ordinance to prevent firearms from being carried into or possessed within our polling places. So, as you all know, there are certain federal and state laws that prohibit the carrying and possession of firearms in certain governmental buildings. Our City has designated polling places in certain buildings

such as schools which are protected by those state provisions, but some of our polling places such as those in libraries and community centers are not protected by that ordinance. As we are all very well aware, we are in a very contentious political climate right now. There have been calls for people to form an army to gather and observe these polling places for corruption. We see in Virginia that there are people willing to act on these alarming calls. Our governor this week, the FBI just said that there was talk of kidnapping him. I know, it sounds outlandish, but I am asking you all to be very proactive in protecting the rights of people to vote and protecting their persons. Also, it's in the interest of the Council that this is being brought to you all should anything happen on voting day, you would not want to be liable for any suite that may be brought to the City should anything happen and somebody's rights be infringed upon or there be any harm or intimidation. So, multiple reasons to think about. Thank you very much.

## GENERAL ITEMS

### Ordinances

12. [20-0294](#) Ordinance To Amend And Re-Enact Chapter 34 Of The City Code Of The City Of Hampton, Virginia Entitled "Streets and Sidewalks," By Amending Article III Pertaining To Wireless Infrastructure

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

The Clerk of Council read the title for the item.

Ms. Bunting introduced the item.

Deputy City Attorney Bonnie Brown greeted those on the dais and began briefing Council on the Small Cell Wireless Infrastructure Amendment.

Ms. Brown defined small cell infrastructure as equipment that densifies the macro tower network. These small cells are typically attached to existing utility poles and are sometimes housed within smaller poles; they also have a shorter range and will be used to increase data coverage in the network.

Ms. Brown spoke about the legal framework associated with the amendment. She explained that the state hampered the City's ability to regulate these infrastructures; therefore, the City is required to review and approve certain types of wireless facilities administratively to avoid them from coming before City Council as encroachments. The State has also defined infrastructure to be treated this way as



co-locations on existing structures not owned by the City and administrative-eligible new structures.

Ms. Brown reviewed the next slide of the presentation which provides some information about administrative applications. Two significant changes with regard to administrative applications are shot clocks (the requirement to act on applications); and fees limited by State Code.

Ms. Brown summarized what is before Council this evening. A wireless infrastructure permit is being created which will be reviewed in accordance with the state and federal criteria and will replace the individual encroachment process for most types of wireless infrastructure (with the exception of larger towers or ones in historic districts). A new design standards document called the Wireless Infrastructure Design Standards is also being adopted.

Ms. Brown turned the floor over to Community Development Department Director Terry O'Neill to speak about the Wireless Infrastructure Design Standards document.

Mr. O'Neill announced that state legislation has mandated the perimeter for the City to accommodate the roll out of this new infrastructure; however, the state does allow the locality to place reasonable design standards. Mr. O'Neill noted that the City is limited and has asked about doing more; however, everything possible is being done under the framework set by the state.

Mr. O'Neill spoke about wireless infrastructure design standards. The design standard goals are to limit the number of new structures by encouraging co-location on existing structures when feasible; avoid physical obstruction of the public right-of-way; encourage the least intrusive design possible; and mimic the design of the surrounding streetscape to the extent practical.

Mr. O'Neill also spoke about the wireless infrastructure design standards/regulations. The standards are related to: minimum spacing; trees; traffic safety; security cameras; antennas and wires; general design (color); maximum height in residential and commercial areas; supporting equipment; location (avoid in historic districts); and usage time frame requirements (removal if not used within 90 days).

In response to Mayor Tuck's question about monitoring the use of structures, Mr. O'Neill explained that this is a new process, and therefore, it is still being determined how to implement and monitor standards.

Mr. O'Neill reviewed the final slide of the presentation which provides information

about City-owned structures and third party structures.

Mr. O'Neill said staff recommends approval of the ordinance amendment and then opened the floor for questions from those on the dais. No questions were posed.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

### Resolutions

13. [20-0295](#) Resolution Approving the Terms of a Participation Agreement Between the Eastern Virginia Regional Industrial Facility Authority, the City of Hampton Virginia, and other Members of the Eastern Virginia Regional Industrial Facility Authority for the Purchase from the Commonwealth of Virginia Approximately 432 Acres of Land Located in York County, and to Lease Approximately 250 Acres of that Acquired Land to KDC Solar, LLC for the Purpose of Developing a Solar Farm; and the Transfer of Funds from the Unassigned Fund Balance Economic Development Fund to the Economic Development Fund for Disbursement to the Eastern Virginia Regional Industrial Facility Authority

**Attachments:** [Participation Agreement EVRIFA Kings Creek Commerce 10 02 2020](#)

The Clerk of Council read the title for the item.

Ms. Bunting made the following statement: Mr. Mayor and Councilmembers, I am very excited to bring this to you tonight. This is the first project of what will likely be many overtime of the Eastern Virginia Regional Industrial Facility Authority (EVRIFA). For those citizens who are watching, this is an opportunity to do regional economic development with regional revenue sharing. The notion is that if a project needs to be done in a particular locality, but that locality does not have all of the means to do that financially, other cities can contribute to that project. Those cities that contribute to that project would benefit in a pro rata share from their investment. This is the first time that we have had the opportunity to get regional revenue sharing in concert with regional economic development. The project before Council that

Hampton is being asked to participate in is a relatively small one, but it is an important one because it represents this first application of this regional sharing tool. The property that was referenced by the Clerk is to be purchased from the Commonwealth of Virginia for \$1.35 million, a price which was set by an amendment to the state's budget. KDC Solar, LLC will pay that amount to EVIRFA in exchange for a 37-year ground lease. As mentioned, they plan to construct a solar facility. All taxes generated on the property and any subsequent leases of that land for other businesses will flow to the EVRIFA. Localities interested in participating in the project must approve and agree to the terms of participation. Two key elements of that agreement are that all decisions regarding the project, including the annual budget, be unanimously approved by all participating members and that project revenues will be distributed to the participating localities pro rata based upon our contributions. Hampton's contribution share is currently projected to be \$15,000 in the first year and \$5,000 in each of the next four years. Staff recommends approval.

Mayor Tuck opened the floor for questions from Council. No questions were posed.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Resolution be approved. The motion carried by the following vote:

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

### Appointments

14. [20-0240](#) Consideration of an Appointment to the Planning Commission

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 11/12/2020. The motion carried by the following vote:

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

15. [20-0245](#) Consideration of Appointments to the Golf Course Advisory Committee

A motion was made by Councilmember Chris Snead and

seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 11/12/2020. The motion carried by the following vote:

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

16. [20-0246](#) Consideration of Appointments to the Peninsula Stadium Authority (War Memorial)

A motion was made by Councilmember Chris Snead that Brenda Stokes and Wayne Gomes be reappointed to second terms expiring on September 30, 2024, and that A. G. Womble be appointed to fill the unexpired portion of a term until February 28, 2022. The motion carried by the following vote:

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

17. [20-0247](#) Consideration of Appointments to the Hampton Clean City Commission (HCCC)

A motion was made by Councilmember Chris Snead that Grady McLean be appointed to fill the unexpired portion of a term until January 31, 2024. The motion carried by the following vote:

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

18. [20-0258](#) Consideration of Appointments to the Hampton Senior Citizens Advisory Committee

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 11/12/2020. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, 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**

The meeting adjourned at 7:45 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 \_\_\_\_\_