



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

Wednesday, December 9, 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 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 Billy Hobbs

Councilman Hobbs gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck made the following statement regarding the recognition taking place under the Mayor's Comments portion of the meeting:

Last week, the Virginia Department of Education recognized Hampton's own Superintendent of Schools, Dr. Jeffery Smith as the inaugural recipient of the Mary Peake Award for Excellence in Education Equity in the school leader category.

This award highlights individuals and organizations that have made significant contributions to the advancement of equity in education for students in Virginia. The

award offers the Commonwealth an opportunity to recognize educators, policy makers, education advocacy groups, and stakeholder organizations whose service and leadership is impacting equity outcomes for Virginia students.

It is particularly fitting that our Superintendent was selected for the award named for Mary Peake, another of Hampton's own, whose passion for education, especially in marginalized communities, and belief that education has a profound impact on students, families, and the community, is deeply rooted, literally and figuratively, in the culture of Hampton, Virginia. Dr. Smith shows the same level of determination in advancing equitable educational opportunities and ensuring equitable outcomes for all students, regardless of their race, income or background. As a majority-minority school division with over 24% of students living in poverty and 62% eligible for free and reduced meals, Dr. Smith is focused on transforming teaching and learning in Hampton City Schools and implementing innovative strategies around closing the achievement, opportunity, and equity gaps that exist among marginalized student groups. By cultivating internal and external alliances, Dr. Smith continues to ensure Hampton City Schools (HCS) performs personalized learning experiences offered in cutting edge learning environments. His commitment to advancing education equity has resulted in every Hampton student being connected with college and career pathway opportunities in our community through every level of their educational track.

I am quoting Dr. James Lane, Virginia's Superintendent of Public Education who communicated to Dr. Smith, "Your contribution is a continuation of the legacy Mary Peake began - a true testament to the ongoing journey towards education equity - an inspiration to us all. As a Commonwealth, we are committed to ensuring that our public education system is positioned to achieve equitable academic outcomes for all students, a value Mary Peake held deeply. We rely on equity champions like you, who work tirelessly each day to ensure that we reach this goal. I cannot thank you enough for your contributions and commitment to this work. Your support of Virginia students is truly invaluable."

Mayor Tuck called upon everyone to join him in congratulating Dr. Jeffery Smith.

Dr. Smith thanked the Mayor, members of Council, the City Manager and the citizens of Hampton for the recognition and said it is a pleasure to serve as Superintendent of HCS. He also congratulated the HCS winners of the Mayor's Christmas card contest who were recognized at the special session earlier in the evening.

Dr. Smith emphasized that this work is about the success of our young people and ensuring that we provide the appropriate resources for them to achieve their goals.

He accepted the award on behalf of the HCS Board; HCS administrators; teachers; support staff; students; students families; City Council; the leadership team; the school nutritional service staff; the transportation department; the custodial staff and operations; and everyone involved who work each day on behalf of our young people.

Dr. Smith concluded his comments and expressed the importance of providing access, opportunity, programs and services to our young people and monitoring the outcomes of their success and achievement. He reiterated that he accepts this award on behalf of the entire Hampton City community and then thanked everyone for their commitment and support.

Lastly, Mayor Tuck made the following statement: At our October 28th meeting, there was a discussion about making November 3, 2020, a holiday for our City employees and in helping Councilman Brown to state his motion, I injected some comments that were not appropriate for that particular discussion. So, tonight, I want to apologize to him and I will try to govern myself better in the future.

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 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. [20-0322](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the FY20 State Homeland Security Program Grant awarded by the Virginia Department of Emergency Management

Attachments: [FY20 Homeland Award Letter](#)
[Grant Proposal Overview](#)
[Grant Routing Form](#)
[Submitted Application](#)
[2020 SHSP Project Proposal](#)
[Certifications of Understanding](#)
[Gear List](#)
[FY20 SHSP HPD's S.W.A.T. Team Equipment Modernization](#)
[The U.S. Department of Homeland Security \(DHS\) Notice of Funding Opportunity \(NOFO\) Fiscal Year 2020 Homeland Security Grant Program \(HSGP\)](#)

Item approved.

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

2. [20-0346](#) Acceptance of Gift of Real Property Known as LRSN 13003484 From Cygnus H20-Phase 1, LLC and Cygnus-H2O Phase 2, LLC

Attachments: [Proposed Donation Property](#)

Item approved.

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

3. [20-0339](#) Approval of the minutes from the work session of October 28, 2020, the special session with the Hampton Youth Commission of November 9, 2020, and the work and legislative sessions of November 12, 2020.

item approved.

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

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Rezoning

4. [20-0343](#) Rezoning Application by Old Town Development LLC and Rob the Builder Inc to Rezone Parcels at 1538 W Queen Street [LRSN 2000007] and 1540 W Queen Street [LRSN 2000006] Totaling +4.28 acres from Multiple Residence [R-M] District and One-Family Residence (R-13) District to Multiple Dwelling (MD-4) District with Proffered Conditions

Attachments: [Application](#)
[Staff Report](#)
[Presentation - at time of publication](#)
[Citizen Letters](#)
[Presentation - submitted 12/8/20](#)

Ms. Glass read the title for the item.

Ms. Bunting introduced the item.

Chief Planner Donald Whipple greeted those on the dais and stated that this application is to rezone approximately 4.26 acre parcels (2) from RM and R-13 to MD-4 with proffered conditions.

Mr. Whipple described the site location as on West Queen Street, east of the intersection at Briarfield Road and Power Plant Parkway in close proximity to the Coliseum Central overlay.

Mr. Whipple reviewed the next few slides of the presentation which provided information about current zoning and the flood zone for the site.

Mr. Whipple explained that some questions about flooding were raised at the Planning Commission meeting; and, therefore, it was important to include the flood zone map in the presentation. He also described the flood zone areas and which parts of the property are located within each zone (the AE08 flood zone and the X flood zone).

Mr. Whipple continued explaining that all site drainage will be collected and treated onsite before emptying toward Newmarket Creek. The applicant also intends to utilize rain gardens as part of the method of capturing water off of buildings before it goes into the main best management practice (BMP) which will also include rain garden elements in design. Mr. Whipple noted that this strategy ties into our resiliency efforts.

Mr. Whipple continued speaking about resiliency efforts and shared that he forecasted in increments of 20-30 years using the Council-approved Hampton Roads Planning District Commission (HRPDC) planning horizon for sea level rise. The results are as follows: there would be an approximate 1.5 foot increase in 50 years; an approximate 3 foot increase in 80 years; and an approximate 4 and ½ foot increase by the year 2100. He clarified that this means that by year 2100, the water would rise only in certain areas and corners of the property and would be well outside of the developed portion of the site.

Mr. Whipple reviewed the next slide of the presentation which showed the land use map and identified the West Queen Street corridor on the north side as being high density residential. He said that the road classification for this segment of West King Street is identified as a minor arterial in the comprehensive plan. This means the road design is approximately 80-100 feet of right-of-way; and the characteristics are typically four lanes, divided or undivided, with a high design speed.

Mr. Whipple paused to share that in working with City traffic engineers, it was determined that it is unlikely that the amount of traffic generated from the proposed 38 units will have a significant impact on current traffic levels.

Mr. Whipple reviewed the next slide of the presentation and spoke about the Hampton Community Plan/Public Policy as it relates to this application.

Mr. Whipple shared the next slide of the presentation which depicted some of the amenities in this community which include: Bluebird Gap Farm, the Water Walk Trail, West Hampton Community Center and Hampton High School. He added that some speakers at the Planning Commission meeting spoke about the need for additional amenities in this area.

Mr. Whipple spoke about the proffered conditions associated with the application. The most significant ones are related to land use (38 unit limit); conceptual site plan; building elevations; and access to the Newmarket Creek.

Mr. Whipple reviewed the concept plan for the project. He also shared a bit of information about building elevations and some of the amenities that will be included in the units.

Mr. Whipple said staff and the Planning Commission recommend approval of the application with 12 conditions and then listed the following pros for moving forward with the project: the application is consistent with the Community Plan and land use recommendations; the applicant has taken great care to propose a plan that will be

sensitive to environmental issues; the applicant has taken appropriate measures with respect to storm water management and implementing rain gardens; traffic engineers have predicted that there will be no adverse impact to traffic; this is a quality project with respect to building design and building materials; rent rates will be \$1,350 - \$1,750; and the overall project investment and value will be between \$6 and \$6.5 million which will net an anticipated tax revenue of \$74,400 - \$80,600 based on that range of \$6 and \$6.5 million in investment.

Mr. Whipple opened the floor for questions from those on the dais and noted that the applicant was present.

Mayor Tuck asked if those who were in opposition of the application or who suggested that there was a need for additional amenities verbalized what amenities they would like to have.

Mr. Whipple clarified that some people in the community expressed that they would rather be able to utilize the open space rather than the area be developed.

In response to Mayor Tuck, Mr. Whipple confirmed that the buildings have elevators.

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

PUBLIC HEARING:

Mayor Tuck opened the public hearing and announced that the developer, Mr. Lang, had signed up to speak.

Mr. Robert Lang greeted those on the dais, thanked them for allowing him to speak and made the following statement: I'm really proud of what we've done to put this project together. I've worked on this project for quite a few years putting it together to make it, hopefully, what Hampton would like to see long-term. We are using high quality materials; there are individual elevators in each building; again, each building has its own fitness center; its own business center that are for the residents with a key fob system. The lobby is set up almost like a small hotel lobby so as their guests come in, they can be received in the lobby area. The building materials are all HardiePlank siding or fiber cement board/fiber cement board shape. We are using standing seam accent roofs, and architectural shingles. The interior units are all going to be nine-foot ceilings. We are taking great concern with sound transmission coefficients between the units meaning that we are going to make sure that one neighbor cannot hear another neighbor through the walls. It's all going to be 2x6 wall construction with high-energy winter windows and very well insulated for lower electric bills. We anticipate the electric conception in a typical two-bedroom

apartment to be somewhere in the \$50-\$75 a month range or less. The units are not small units. The one bedroom units are - the smallest one is about 840 square feet; the largest one bedroom is 900 square feet. The two bedrooms are 1,210 - 1,230 square feet and the two bedrooms both have two full baths in both. They are open floor plans. They will all have granite counter tops in the kitchens; stainless appliances; state of the art in technology because in today's world, people are staying home and working, so there is going to be infrastructure put in and structured wiring for fiber and standard R-G and Cat 5 and Cat 7 data wiring, so it will be a very friendly building as far as in today's workforce of the stay-at-home worker. We are excited about trying to get the kayak launch, and that will not have any impact on the conservation area and with the kayak launch to kind of promote a healthy outdoors and take advantage of the waterway. It's a small site, but we've really taken time landscaping. It's all going to be irrigated, and professionally maintained. The dumpster enclosures are all done in brick to match the building and we've even took it a step further and actually put special doors on the dumpsters so they cannot be seen from the road. Again, it took a lot of time. We've done a lot of redesign. I've worked on it for many years and I'm hoping for favorable support for the project. I take a lot of pride in what I do. I'm very passionate about what I do. I am the developer and owner of the property and I appreciate your time this evening. Can I answer any other questions?

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

Mayor Tuck closed the public hearing.

Councilwoman Brown commented that she appreciates the quality effort being put forth in the investment in Hampton and the emphasis on the waterway and natural elements.

Councilman Brown commented that he was on the Planning Commission when this item came before the Planning Commission and he voted no at that time because residents expressed concern about traffic. He acknowledged that staff has provided the study on traffic and flooding and the number of complexes built along the West Queen Street area. He continued saying that he was concerned about the residents who expressed concern about safety for children playing in the neighborhood and told the developer at that time that it was a project we could all be proud of; however, there may have been other residents who were not able to attend to express their concern, especially those who have been in the neighborhood for 30 - 50 years. He expressed to Mr. Lang that he believes this is a great project, but would like to remain consistent with his Planning Commission vote and vote no on this project.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Zoning

Ordinance - Map be approved with twelve (12) conditions. The motion carried by the following vote:

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

Nay: 1 - Councilmember Brown

Use Permits

Ordinances

5. [20-0344](#) Ordinance To Amend and Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Minimum Green Area Requirements For All One and Two Family Residences

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

Ms. Glass read the titles for this and the next item as they were handled simultaneously, but required separate votes.

Ms. Bunting introduced the item.

Planning and Zoning Administrator Mike Hayes greeted those on the dais and provided the following background information about the item: At the September 9th City Council meeting, Council heard a proposed amendment that dealt with not only the green area, but also restricting where vehicles could be parked with respect to residential lots. At that time, Council indefinitely deferred that amendment and asked staff to bring forward the green area requirements separate from the parking issue. The parking issue is tabled indefinitely to the future. Tonight's item is strictly related to the green area requirements for all 1 and 2 family residence lots.

Mr. Hayes listed the following goals staff is attempting to achieve via this amendment: to preserve green area; to limit impervious area; to improve character and make a positive impact on neighborhoods; and to reduce impervious areas in the future.

Mr. Hayes reviewed the next two slides of the presentation which provided examples of and definitions for green area and impervious surface.

Mr. Hayes spoke about how Hampton compares to other localities in the region. It was determined that Virginia Beach and Norfolk deal with an amount of impervious

area on lots and are the same localities that walk shoulder in shoulder with Hampton on leading the way on resilience.

Mr. Hayes reviewed the next slide of the presentation which depicted green area requirements within the street frontage yard. He added that entire yards are not being considered yet as staff seeks a more sophisticated solution while working closely with the Public Works Department on a holistic approach to resilience efforts.

Mr. Hayes shared a chart which provided the minimum green area requirement according to the size of the street frontage yard. For example, the minimum green area requirement for a street frontage yard less than 1/4 of an acre is 50%. The next several slides of the presentation provided pictured examples of these requirements according to acre size.

Mr. Hayes continued stating that if approved, a zoning permit will be required under certain circumstances. The permit allows the amount of impervious surface on the lot to be checked; has a fee of \$15; and includes a three day maximum review.

Mr. Hayes reviewed the remaining slides of the presentation which provided information about driveway requirements, and housekeeping and language changes to the amendments.

Mr. Hayes concluded the presentation stating staff and the Planning Commission recommend approval of both amendments.

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

A joint public hearing was held on item #5 20-0344 and item #6 20-0255. There were no speakers on these items and the public hearing was closed.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, 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

6. [20-0255](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 9-43 Entitled, "Development Standards" Pertaining to Green Area in the Infill Housing Overlay District

Attachments: [Redline Presentation](#)

This item was handled simultaneously with item 20-0344.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, 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

Resolutions

7. [20-0345](#) Resolution Authorizing The Execution Of A Revocable License Agreement Between The City Of Hampton, Advanced Aircraft Company, LLC and USA Waste of Virginia Landfills, Inc. to Use a Portion of Bethel Landfill, on a Temporary and Limited Basis, for the Purpose of Flight Testing Advanced Aircraft Company, LLC's HAMR Drone

Attachments: [Public Notice - Advanced Aircraft AAC at Landfill Yearly Revocable License Agreement.pdf](#)

Ms. Glass read the title for the item.

Ms. Bunting made the following statement regarding the item: Mr. Mayor and Councilmembers, Advanced Aircraft Company is an aeronautical engineering and aircraft manufacturing startup company currently located in the City of Hampton, specifically located in the REaKTOR incubator. The company was created by Bill Fredricks, an aeronautical engineer employed at NASA Langley Research Center, where he led various projects and successful flight testings. His company produces vertical take-off and landing unmanned aerial systems targeting military and commercial markets. The company's first product, the HAMR, Hammer UAS aeronautical systems target electric moto rotor with a 3.5 power maximum endurance. In order to support the testing, research and development needs, they require adequate space to fly their vehicles and are seeking our permission and

approval to fly over the Bethel Landfill. Pursuant to the Code of Virginia, the public hearing is required for the Council to properly consider this lease; therefore, you have the public hearing before you. Staff recommends approval of the resolution.

PUBLIC HEARING:

Mr. William Fredricks greeted those on the dais and made the following statement: I probably should just give a little bit more background, so you know who I am. I am an aeronautic engineer from Perdue University. I spent some time in the Marine Corps as an artillery officer, deployed in Afghanistan in 2011. I work for NASA as an aerospace engineer, so to my knowledge, I'm pretty sure I'm the only person that can say they were a marine and a NASA rocket scientist. The technology I led to the development of at NASA, I've decided we've proved it was feasible and I said we put it on the shelf, quite literally, broke up the job to go work the next thing because NASA doesn't commercialize things; NASA develops new technologies. I said to myself, rather than being a government researcher, I want to see this technology commercialized. So, that was my impetus to transition out of NASA and found this company. The topic present this evening is consideration to fly at the landfill. To give a little more context, to do our flight testing today, we have to drive an hour and ten minutes. We've got two spots up in Charles City County and another spot out in Wakefield, Virginia, and obviously, that really limits productivity to have to drive an hour and ten minutes each way. If something breaks and needs to be redesigned, I've got to come all the way back to the lab. We do have a temporary permission to fly over landfill now which has been instrumental, very helpful. We've flown there about six to eight times so far under the temporary permission and it's less than a ten minute drive. So, it's a large open area. Additionally, there will be some benefit to waste management operating there. We will provide them imagery that helps them with their planning process which would also help the City a little bit. So, thank you for your consideration on this subject. It will be very instrumental to continue the development of our technology. Additionally, I also want to say thank you for the commercialization grants a few months ago. That has been very helpful, so our value proposition is the aircraft itself. Our customers need payloads and cameras on the aircraft too, so that was a payload that we can use to help sell the vehicles, so that was very helpful as well. Also, thank you - we are a member of REaKTOR, formerly Peninsula Technology Incubator, where the subsidy from the City to support that has enabled us as a start up to incubate and get our technology developed. We are launching this product now, this quarter. We delivered the first aircraft to a customer a few weeks ago, which was a very exciting time. So, now we are transitioning out of that research and development into generating revenue. I also want to thank Mike Yaskowsky. He has been instrumental in navigating all these processes and has been very helpful. I would never have been able to make the progress I have without his help, so thank you to Yaskowsky. In conclusion,

we've got an aggressive, yet achievable growth plan that within five years will be generating over \$100 million per year revenue and we look forward to growing this business in the City of Hampton. Thank you.

Mayor Tuck closed the public hearing.

Mayor Tuck noted that he recalled meeting Mr. Fredricks previously and congratulated him on the proceeding of his program.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Public Hearing 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

Ms. Glass read the protocol for the public comment period.

Mr. Craig Knopp greeted those on the dais and made the following statement: First off, thank you guys. You guys did an awesome job. It's a great way to end 2020 with bringing Amazon into the City. It's awesome. We are creating jobs. Another thing, this gentleman's company over here - I'm glad we're bringing people like this into the City to help grow our economy here.

Mr. Knopp asked for permission to speak about a toy drive. Mayor Tuck told him he may proceed.

Mr. Knopp made the following statement about the toy drive: We have a little business, Fertitta's, and they are open daily from 7:00 am to 3:00 pm. They will be doing a toy drive collection during their business hours of 7:00 am to 3:00 pm until about the 20th and then on the 20th, from 5:00 pm to 7:00 pm, they've invited whoever to come in to see Santa from that toy drive. So, if you guys could, I just want to get more people out there because the more toys we can get out there, the more people we can help.

Mr. Knopp continued with his statement: I'm here to ask that the City use some of its lobbying power for some of the items that I have some issues with. One issue that I have an issue with is that we have Senator Locke here that has created a bill, it hasn't been brought up or done anything with, SJ272. This bill is out there and it's going to allow felons and mentally incompetent people to vote. My issue with this is that I can't really speak too much on the financial issues of what it's going to take to

go through, distribute these ballots, collect them, tally them and the security of all this. But, there's going to be financial hardship on that. We've already hit hard with the prisons. Another thing I'd like to ask is that we do a lobby for HB177 which currently is sitting with the Senate right now. Last year, we had Delegate Mugler and Delegate Ward that promoted, they voted yes on this, which basically takes the state's votes and puts it towards the popular vote and I just don't think this is a very good idea. Basically, to me, it seems like a voter suppression of independence in Republicans, but that's just my view on that one. Another thing I have is that I'd like the City to use its lobbying power to talk to Senator Locke about allowing people to go to the State Capitol to talk to them about lobbying for different bills here and there. Last year, we had numerous people throughout this year tell us the importance of going in front of our delegates and that's all I have. Thank you.

Mayor Tuck suggested that Mr. Knopp contact the state delegates as they are elected officials and will hear what he has to say and can be convinced. He said he understands his point about lobbying power, but that would require seven members of Council to be convinced that the topics are important enough to lobby for and he has the same amount of impact as a registered voter by reaching out to state delegates. He assured Mr. Knopp that they are rational individuals and will hear him.

GENERAL ITEMS

Resolutions

8. [20-0350](#) Resolution Authorizing the Transfer From the City of Hampton to the Economic Development Authority of the City of Hampton, Virginia, Two Parcels Known As 1554 W. Pembroke Avenue (LRSN 1001354) and 1614 W. Pembroke Avenue (LRSN 1001353)

Attachments: [Deed of Gift - COH to EDA](#)
[Exhibit - Doran Tract](#)

Ms. Glass read the title for the item.

Ms. Bunting made the following statement regarding the item: Mr. Mayor and Councilmembers, The subject parcels were acquired by the City in 2005 for the purposes of economic development. Since that time, the City Council has designated the Economic Development Authority of the City of Hampton known as EDA as the agency to implement the City's comprehensive plan as it relates to commercial and mixed use development, thus transferring these parcels to the EDA is consistent with that policy. Staff recommends approval.

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

9. [20-0352](#) Resolution Authorizing the City Attorney to Submit a Petition to the Circuit Court of Hampton Requesting that no Special Election be Ordered to Fill the Vacancy Created by the Retirement of the Duly Elected Sheriff of the City of Hampton

Ms. Glass read the title for the item.

City Attorney Cheran Ivery made the following statement regarding the item: Sheriff B.J. Roberts announced his intent to retire on January 1, 2021, prior to the completion of his current term of office that is scheduled to end in November 2021. Virginia State Code Section 24.2-228.1B provides that should a vacancy in a constitutional elected office occur within the 12 months immediately preceding the end of that term of office, the governing body, in this case, the Hampton City Council, may petition the court to request that no special election be ordered. The resolution on the agenda tonight for the Council's consideration directs the City Attorney to file a petition with the Hampton Circuit Court requesting that the court order that a special election not be held to fill the upcoming vacancy left by Sheriff Robert's retirement. Upon the courts entry of such an order, Virginia Code Section 24.2-228.1F provides that the highest ranking deputy officer who is qualified to vote for and hold the office will serve as the Sheriff for the remainder of the unexpired term.

Mayor Tuck opened the floor for discussion. There was none.

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

10. [20-0337](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Appropriate a total of \$1,340,000.00 from the General Fund's Committed Fund Balance (Departmental Savings)

Account to Fund a Bonus for City Employees

Ms. Glass read the title for the item.

City Manager Bunting made the following statement: Mr. Mayor and Councilmembers, as you know, our City employees have a longstanding tradition of excellence and give of their time, creative talents regularly and generously. In addition to their normal levels of excellence, employees have further risen to the challenges of the pandemic by not only maintaining outstanding service delivery, but also performing many additional duties outside their typical job descriptions. The proposed bonus to be funded with the general fund committed fund balance departmental savings account is being recommended to recognize their efforts, and because we were not able to provide a pay increase in the first half of the fiscal year due to the COVID-19 global pandemic. The cost of this bonus is well below the \$8 million we are projecting to add to unassigned fund balance over \$2 million of which would be added to the committed fund balance departmental savings account. This level of savings is due to the extraordinary efforts by City employees to save money during the pandemic, thus it is appropriate that we reinvest some of this money in our employees to thank them for their great service and to account for the fact that we were not able to provide that pay increase. Staff does intend to bring updated revenue information for both fiscal 2021 and projected fiscal 2022 real estate assessments to Council in early February for a decision on whether salary increases for the second half of the fiscal year are fiscally prudent and possible. Staff recommends approval.

Mayor Tuck opened the floor for questions from Council.

Councilman Bowman asked Ms. Bunting if this was only a bonus and no recurring cost.

Ms. Bunting replied, correct, and made the following comments for the benefit of the public: the proposed bonus would be \$500 for full-time employees; \$250 for part-time employees. It is a one-time bonus. It does not add to the recurring cost of our payroll expenses. We would want to put off any recurring increase until we get that financial information mentioned earlier.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Resolution-Budget 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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting made the following remarks about COVID and what is going on in our community and all communities: We are seeing that projected surge after Thanksgiving. Our positivity rate in Hampton as well as throughout the region has been rising each day. The number of cases has been growing. I wanted to take a moment to remind us all that it's especially important that we follow the recommendations of health professionals so that we continue to do our best to curb the spread of COVID. Hospitals throughout the country are reaching capacities in their ICU's. We certainly do not want that to happen in our area. Our community has done a great job since the start of this. For such a long time, Hampton was below the region, and I know that we are more than capable of being there again.

Ms. Bunting noted that she received word that the governor plans to have a press conference tomorrow at 2:00 pm. and continued her remarks: For the record, we do not get advance notice as to what is going to be covered in those calls. Given the increases that we are seeing, not just in our area, but throughout the state, I would encourage folks to tune in and see if there are any new guidance's being provided by the state. In the meantime, we encourage our residents to have a safe and happy holiday. The best way to do that is to continue to wear our masks and take the other safety precautions that our health professionals have provided for us. Thank you.

Mayor Tuck invited the members of Council to make comments or remarks considering this is the last meeting of the year.

Councilman Brown wished his colleagues on Council, City staff and citizens a safe holiday, peace and prosperity and blessings for a great new year no matter what their traditions are or how they choose to celebrate.

Councilwoman Brown thanked the citizens for the many examples of courage, friendship and neighborly goodness as we have seen the Hampton's spirit shine through in our amazing front line workers during difficult times. She thanked City staff for their efforts to get us through the year and conduct the City's business in a safe manner. She offered best wishes to her colleagues, staff and our neighbors for a happy, safe, stay-at-home holiday.

Councilman Hobbs commented that this year has been difficult with COVID-19 and we have all had to learn how to adjust. He said he is proud of the way the citizens responded and encouraged everyone to be more vigilant going into the holiday season. He also commented that he has enjoyed spending more time at home with his family during COVID. He said he is grateful for the year we've had through the

City and appreciates the work of the first responders, front line healthcare workers, firefighters and EMT's. He wished everyone a very safe, happy holiday season and encouraged everyone to listen to the governor tomorrow. He reminded everyone that we've come a long way, but have a lot of work to do and he looks forward to seeing everyone next year.

Councilman Bowman thanked the Mayor, Council, City staff and Hampton citizens for the support they have shown him during his first 6 months on City Council. He added that he looks forward to 2021 and putting citizens first.

Councilwoman Snead said this has been a difficult year, but we have persevered and adjusted nicely as a community. She thanked the City employees for rising to the occasion to do things outside of their job descriptions to help those in the community. She thanked the Mayor, Councilmembers and City staff for all of the hard work they have put into the City. She wished everyone a wonderful holiday no matter how they celebrate it. She encouraged everyone to be considerate of everyone they come in contact with and to abide by the COVID guidelines so that we can get out of this faster. She wished everyone a merry holiday season and said when we see each other in 2021, hopefully, we will be on the cusp on returning to normalcy.

Vice Mayor Gray commented that this has been a difficult year with the protests and a divisive national election. He encouraged everyone to put all of the negative aside and close out 2020 giving thanks for those who have been able to stay healthy through COVID but also think about those who haven't and those who we've lost who are not here to celebrate with their families. He said he is thankful for Council, City staff and all he works with who labor very hard to make Hampton a great place to live, work and raise a family. He said he believes as we move into 2021, life will return to a sense of what we thought was normal. He encouraged everyone to do something good for someone else over the holidays; stay safe; spend time with family; and be thankful for all we have. He thanked first responders for all they do; wished everyone happy holidays; and said he looks forward to seeing everyone on the other side of 2021.

Mayor Tuck agreed that this has been a difficult, challenging year with some experiencing personal loss. He said he found it challenging to see deserted streets and people's expressionless faces early on during COVID. He spoke about the many ways Hampton has persevered, been resilient and supported one another including businesses changing their business model to provide PPE and the young boy who had the diaper project. He spoke about City employees who are conscientious and do the best job they can for the citizens, but oftentimes are underappreciated by many. He thanked the employees for persevering throughout

this challenge. He added that Council and the City Manager did a lot of work to ensure that there were no layoffs and keeping people from financial hardships. He said he is thankful to live in Hampton and that we do so much to help our residents, for example, helping our employees via the bonus approved this evening. He said he is thankful that people invested in Hampton during a pandemic and that people believe this is a great place to raise families and operate businesses. He said we do not do the work for the glory; instead, it is to make Hampton a better place. He wished everyone a blessed and safe and prosperous holiday season and said he looks forward to seeing everyone on the other side of 2021, but we needed 2020 to appreciate the blessings ahead.

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 7:42 p.m.

Contact Info:

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Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____