



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 Michelle T. Ferebee
Councilmember Billy Hobbs

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

Wednesday, September 14, 2022

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 being present.

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

DONNIE R. TUCK PRESIDED

INVOCATION - Councilwoman Michelle Ferebee

Councilwoman Ferebee gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck invited Edith G. White, Executive Director of the Hampton Roads Community Action Program (HRCAP), to the podium to share information on the Project Discovery program and other programs they provide, and a few highlights of recent activities.

Ms. White greeted Council and the audience. She expressed great appreciation for the Mayor's involvement with the HRCAP program and invited all members of Council to attend on the first Thursday of each month at noon. She stated that HRCAP is part of a network of more than 1,000 organizations created in 1964 as part of the war on

poverty which has successfully transitioned millions of people from poverty to prosperity by giving hope and a skillset to improve the quality of their lives. She shared that HRCAP offers more than 23 programs in our region that uplift, train, educate and counsel to provide citizens with the tools for upward mobility. Ms. White noted that Council has been provided with a packet of information containing their annual report and information on these programs.

Ms. White referenced the meeting this summer mentioned by Mayor Tuck in his introduction, which included Assistant City Manager, Steve Bond and focused on Project Discovery. This is a statewide after school academic enrichment program designed to prepare students for college, careers, military and good citizenship using workshops, community service projects, college tours and field trips. The program has an annual success rate of 85-90%. This program is particularly important since these students are first generation college students. Since the program's inception, almost 3,000 Hampton students have been through the program. Hampton is currently implementing the program at Lindsey Middle School, Phoebus High and Hampton High. More recently the program partnered with Policy Pathways out of Richmond to introduce students to careers in policy leadership and public service and completing this program with capstone projects with professors from VCU, Virginia State University, Virginia Tech and UCLA.

Ms. White mentioned that the City of Hampton supports the Head Start program, which enriches the lives of children in our region. Hampton's Head Start program is largest one in Virginia with over 1,200 children. She shared that this program leverages more than 19 million dollars in federal funds for the community.

Ms. White shared that in addition to assisting HRCAP with a pilot mixed delivery program that is being replicated across the state, Hampton also partners with HRCAP to operate the Virginia preschool initiative based at Bassett Elementary School. This program has served over 2,000 Hampton students since 1995.

Ms. White noted that in addition to serving Hampton students, HRCAP disperses more than \$800,000 to residents through the rent and mortgage assistance program in partnership with the United Way.

Ms. White shared that the Hampton HRCAP office was opened two years ago at Pinewood Plaza office complex offering a variety of programs and services to Hampton residents. The facility will be expanding in the near future as a result of 3.99 million dollar grant from the Department of Labor to work with ex-offenders in this community and the Middle Peninsula.

Ms. White concluded by expressing thanks to the members of Council, and

members appointed to the HRCAP Board of Directors, including Hope Harper, Khadijah Sellers and Jill Davis. She stated that they value the partnership with the City and look forward to future collaboration.

Mayor Tuck introduced Ms. Jennifer Lockett, Hampton City Schools Virtual Partnership Specialist, to share information on Minecraft Midsummer Madness. He noted that Dr. Kate Maxlow, Melanie Parker and Doris Orgain were also present.

Ms. Lockett recognized Mr. Amman, who conceived of this idea and was also in attendance. She explained that Minecraft Midsummer Madness was a joint venture between Hampton City Schools and the City of Hampton to give students an opportunity to showcase their gaming and problem-solving skills during a two-week competition from July 18 - July 27. This activity provided a safe option for students to participate in collaborative and fun activities while school was out and also provided an opportunity for students and teachers to earn money by acting as game facilitators and challenge creators. There was a grand prize of \$1,200. This competition had 44 teams and a total of 49 students in a March Madness style bracket. Ms. Lockett explained how the tournament worked and the structure of the tournament challenge rounds. The competition prize winners were: Nicolas Nettles, Jr.; Jacob Carpenter; Josiah Campbell (not present); Jeffrey Hickman-Washington; Dominick Hayman Barham; Peyton Sampley; Jeremiah Pitts; and Charles Parker. Other Hampton City Schools' staff present were Dr. Kate Maxlow, Melanie Parker, and Doris Orgain, as well as Mr. Amman who conceived of this idea. Ms. Lockett closed by expressing appreciation for the City's collaboration with Hampton City Schools on this venture and the opportunity to share it.

Mayor Tuck welcomed the students who were in attendance and presented each with a City coin and pin.

The Mayor shared information and a video of Marcell Johnson (a nine year old drummer) and Sincere Grant (a six year old who sang and played harmonica), who recently performed at the Hampton History Museum with Bobby BlackHat. The Museum features live entertainment on the third Wednesday of each month. Mayor Tuck welcomed Marcell Johnson and Sincere Grant and presented each with a City coin. He shared that Marcell is Bobby BlackHat's grandson. Marcell is in fourth grade at Booker T. Washington elementary in Suffolk. In response to the Mayor's question about what made him interested in playing drums, he said "I just like playing drums, a lot." The Mayor shared that Sincere met Bobby BlackHat at Busch Gardens. Sincere stated "that was my favorite thing to me and I really saw him on stage. I really liked it. I really, really did." In response to the Mayor's question about what made him interested in playing harmonica, he said "He just came on the stage and I started studying all his moves and the song he played was Help Me." Sincere

is in second grade at Captain John Smith Elementary in Hampton.

Mayor Tuck welcomed Bobby BlackHat who shared that every musician has to start somewhere. He encouraged families with children who wish to play to catch them early and let them grow, because what sounds like noise today may one day turn into them playing on the big stage.

CONSENT AGENDA

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

Approval of the Consent Agenda

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

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

1. [22-0234](#) Resolution to amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate State Fiscal Year 2023 Part C of the Individuals with Disabilities Education Act (IDEA Grant) Funding Awarded by the Department of Behavioral Health and Developmental Services for Infants & Toddlers with Disabilities and their Families

Attachments: [720-4955-16, CITY OF HAMPTON MOA \(1\)](#)

[ITC Grant Proposal Overview](#)

[ITC Grant Routing Form](#)

[Grant routing approvals](#)

Item approved.

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

2. [22-0250](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the 2022 Defense Community Infrastructure Pilot Program ("DCIP") Grant Awarded through the U.S. Department of Defense Office of Local Defense Community

Cooperation ("OLDCC")

Item approved.

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

3. [22-0247](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Appropriate \$10,000.00 from the Wetlands Encroachment Restricted Fund Balance Account to the Community Development Leadership and Management Service - Other Professional Services Account for the Purpose of Dispersing to the Colonial Soil and Water Conservation District to Fund the City's Participation in the Virginia Conservation Assistance Program and Authorize the City Manager to Execute a Memorandum of Understanding with the Colonial Soil and Water Conservation District for the City's Participation in the Virginia Conservation Assistance Program.

Attachments: [Memorandum of Understanding - City of Hampton and CSWCD](#)

Item approved.

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

4. [22-0235](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget and Appropriate \$60,786.41 from the Hazmat Restricted Fund Balance to the Fire and Rescue Division's General Fund Operating Budget

Attachments: [FY22 Hazmat Recovery Funds EOY Total](#)

Item approved.

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

5. [22-0224](#) Resolution Approving the Fiscal Year 2022 Fourth Quarter Budget Adjustments

Attachments: [Budget Adjustments](#)

Item approved.

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

6. [22-0253](#) Resolution to Make an Irrevocable Election to Provide Enhanced Hazardous Duty Retirement Benefits for Emergency Medical Technicians

Attachments: [hazardous-duty-fags-member](#)
[Certification Required by VRS](#)

Item approved.

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

7. [22-0176](#) Motion to accept the donation of equipment valued at approximately \$17,394.00 from Canon Virginia, Inc to the City for use by the Hampton Fire Division.

Item approved.

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

8. [22-0239](#) Resolution in Recognition of Marcellus Spencer "Boo" Williams, Jr.

Item approved.

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

9. [22-0246](#) Resolution Renaming Armistead Pointe Parkway to Boo Williams Way

Item approved.

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

10. [22-0240](#) Approval of the minutes from the legislative sessions of July 13, 2022, and August 10, 2022, the special joint meeting of August 10, 2022, and the special meeting of September 7, 2022.
item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Rezoning

11. [22-0181](#) Rezoning Application by Westview Landing, LLC. to rezone +37.86 Acres at 10 Doris Carlson Dr [LRSN: 5000040], 51 Battle Rd [LRSN: 5000041], 30 Singleton Dr [Portion of LRSN: 5000042], and 60 Battle Rd B [Portion of LRSN: 5001596] from One Family Residential (R-11) District to Multifamily Residential (MD-3) District with Proffered Conditions for Multifamily Development

Attachments: [September Revised Staff Presentation](#)

[September Application](#)

[September Survey](#)

[September Concept Plan](#)

[September Narrative Statement](#)

[September Proffer Agreement](#)

[September Staff Report](#)

[September Presentation](#)

[September Applicant Presentation](#)

[Wetlands Consultant Memo](#)

[LAFB Comment Letter](#)

[Citizen Comments](#)

[Applicant Presentation](#)

[June Application Combined](#)

[June Staff Report](#)

[June Staff Presentation](#)

[August Staff Report](#)

[August Presentation](#)

Ms. Glass read the titles for items 22-0181 and 22-0183 and stated that they will have a combined public hearing but will require a separate vote. Ms. Glass then read the protocol for public hearings.

Ms. Bunting stated that items 22-0181 and 22-0183 were on the agenda last month and were redirected to the Planning Commission as needed. She shared that the applicant is seeking a vote at this meeting and staff is prepared to present the items for Council consideration for vote. Ms. Bunting introduced Chief Planner Donald Whipple to make the presentation. Item 22-0181 and 22-0183 were presented together.

Mr. Whipple greeted the Council and began the presentation showing several maps of the site location and its proximity to surrounding roads, neighborhoods and Langley Air Force Base (LAFB). Current zoning for this location is one family residence, R-11. He indicated on the map the accident potential zone (APZ) and the Langley flight approach zone, adjacent to the site location. Of special note is the distance from the edge of the APZ to the beginning of the project site is approximately 300 feet. Mr. Whipple displayed the Air Installation Compatibility Use Zone (AICUZ) map which shows that the noise contours, the amount of decibels being radiated by current flight patterns in the area of the site location is 65 and 70 decibels. The future land use plan map currently shows the site as public/semi-public, in large part to reflect the Sarah Bonwell Hudgins Foundation use

which provided daytime and residential services for the disabled in the community.

Mr. Whipple gave a brief project history and displayed several maps showing the revised concept plan including the community amenities, and the wetland feature along with the resource area protection buffer.

Mr. Whipple covered public policy related to the project which includes promoting land use compatibility, safeguarding and protecting neighborhoods and natural areas, and partnering with LAFB to promote compatible land use within the areas impacted by the base. He summarized the analysis provided by LAFB in a letter from March 2022 that was included in the packet provided to Council.

Mr. Whipple shared the proffered conditions submitted by the applicant and addressed the recommended conditions for the associated use permit application. He concluded with the Planning Commission and staff recommendation of denial of items 22-0181 and 22-0183 based on the results of their analysis which indicates that the project conflicts with the City's policies, is adjacent to environmentally sensitive areas, and is incompatible with existing land use patterns.

In response to several questions from Councilman Brown, Mr. Whipple stated that the meeting with residents was well attended with over 30 residents. Most of the attendees were not in favor of the project citing reasons such as traffic impact, the amount/intensity of people and noise. Mr. Whipple said that LAFB was opposed to the plan and while there has been no official response from LAFB regarding their position on flight zone, crash areas and future expansion, he has been informed by Bruce Sturk that their position has not changed. He shared that to put it in perspective, the previous proposal represented a 500% increase of what could be built there by right, meaning single family homes. With the reduction in units on this proposed plan it is still a 400% increase. Mr. Whipple shared that planning did not consult with the wetlands board in this instance for their input. However, the wetlands delineated by the applicant and presented to staff do need to be confirmed by the Corps of Engineers. He noted that of importance to the City is that it does inform the Chesapeake Bay Preservation Act (CBPA) in that buffer. Mr. Whipple shared that CBPA was contacted to confirm that what was presented/identified as being wetlands is, in fact, wetlands and any buffer would be enforced through our zoning.

In response to Councilman Hobbs' questions, Mr. Whipple stated he is not privy to information concerning a timeline and details on the runway expansion but does know that it is in draft form and close to being presented. He shared that in some instances businesses on Armistead Avenue will be affected. Part of the extension is to relocate the eastern end out of rising waters where Back River is towards the west. North Armistead is at the edge of the runway so all that area would be

impacted as well as areas on Neil Armstrong Parkway back to Big Bethel, including the area in the proposed project.

Mayor Tuck introduced Mr. Larry Cumming, attorney for the applicant. Mr. Cumming greeted Council and began by saying he was not going to address the traffic study as he believes everyone agrees that it will not be an adverse impact to the area. He mentioned that planning staff believes that and has provided Council with information to confirm that. Members of the development team Robert Mallory and Paul Tschiderer were in attendance to answer any questions. He recognized architect Grey Mason for the artistic work on the project. The project plan was reduced from twelve buildings to nine buildings. Buildings on the south side of the property were modified to address issues raised from residents in the surrounding neighborhood. Mr. Cumming displayed a more detailed plan map with overlays for the LAFB landing, approach and decibel zones. He explained that the property is not in the landing or approach zones, and is in the least noise zone below the 70 decibel area that triggers the City's ordinance. Mr. Cumming shared the property amenities along with design images of the exterior views of the property and development merits which include anticipated tax revenue.

Mr. Cumming referenced the letter sent out by LAFB Commander expressing concerns about sea level rise and its impact on base operations. He suggested that the Commander's concern is part of either implied or expressed orders and that Hampton City staff must recommend against the project in order to satisfy LAFB. Mr. Cumming stated that it was just politics and Council understands how that works. Mr. Cumming stated that City Council does not have the luxury of a knee-jerk reaction and are elected to use their judgement and reasoning. He continued by saying that Council must think about what is going on and not just listen and respond automatically without giving it thought.

Mr. Cumming addressed the issue of sea level rise that was included in the letter from LAFB. He shared that sea level rise in Virginia is one inch every four years. He suggested that elevating the runway or installing a two foot levy would provide 96 years of protection. He suggested that LAFB would have everyone believe that moving the runway is the only alternative. He stressed that there are other alternatives to moving it and gave several alternatives. Mr. Cumming stated that Council should not respond automatically, without thinking of other alternatives, based on an idea of something that might be done, in the unknown future that is unfunded, and not structured.

Mr. Cumming stated that by failing to respond to a two foot problem in the next 96 years and rejecting the proposed project, the City would be giving up high quality housing, employment of housing management, damaging the Sarah Bonwell Hudgins

Foundation and their funding, and giving up \$500,000 a year in taxes. Mr. Cumming stated that even though the project may get denied, it won't become a park or stand empty as the area is still zoned for single family homes. He questioned whether Council is only concerned about dangers to apartment dwellers and not concerned for single family home residents. Mr. Cumming urged the City not to make a knee-jerk reaction to a letter about an idea that is unfunded with no timeline and is only in draft form at this time. He closed by thanking Council and asking them to consider approval of this project.

Mayor Tuck opened the public hearing and introduced Mr. Henry Golden. Mr. Golden made the following statement: I am a resident of the Nelson Farms neighborhood. I am opposed to rezoning the property from approximately 90 single-family homes to now 368 units consisting of steel apartments, up to three bedroom apartments and only having approximately 600 parking spaces or less. There will be units with a need for more than 2 people per unit which will equate to 736 if they only have two vehicles per unit. With professional residents only having that many parking spaces and 21 garage spaces, there is definitely insufficient parking which will overflow into adjacent neighborhoods. The traffic impact analysis was done back when COVID was full-blown. Thomas Nelson was shut down, businesses were teleworking so I think the impact analysis needs to be redone with the proposed number of units and with all the businesses back in full bloom. The project deciders at our meeting held March 9th said the complex would attract mainly professionals. Very few families with children would be expected. I do not know how or understand how two or three bedroom units would only be targeting and attracting professionals without children, or how professionals who would only have one vehicle per unit. I also have concerns with local school being able to support the increase in the need for additional classrooms, teachers, buses, etc. I feel the schools will be affected more than is being stated. The design has a 20 foot buffer between the complex buildings and the current residents on adjoining properties. Twenty foot is not a buffer when comparing two through four story apartment buildings to a ranch home. They stated the buffer will be greenery placed on the outskirts of the complex and not a physical barrier such as a wall of privacy fencing. This is a concern not only for the privacy of our residents but also for potential increase of crimes in the area. This will adversely affect our home values in surrounding areas. Joint Base Langley Eustis installation commander's letter dated 8 March shows future installation compatible use zone and attachment three significantly increases the accident prevention zone upon completion of the runway extension project, which is in its final draft review. Funding comes after it is approved. More significantly, it states in the letter the development of Westview Landing would preclude, not could, but would preclude the future relocation of the existing runway northward and westward, impacting the existing flying missions. The construction of this residential project would signal a departure from the established

planning efforts aimed at improving the quality of life of those living near the base as well as safety of airmen and their neighbors outside the gate. I don't think the installation commander would think this is a knee-jerk reaction that is proposed to you. I think they put time in, they put effort in and they planned for future expansions for our area. Mayor Tuck stopped Mr. Golden from continuing as his allotted time had expired.

Mayor Tuck introduced the second speaker, Mr. Andrew Sullivan. Mr. Sullivan greeted Council and made the following statement: I am the Vice President of the Board of the Sarah Bonwell Hudgins Foundation and a parent to an amazing person with disabilities. Her name is Anne Marie (inaudible) Sullivan and she is 26 years old. She has Down's Syndrome and she is a gift from God and a gift to our community, a wonderful person. The Foundation provides facilities and financial resources to people with disabilities. I am here this evening to request your support of the Westview Landing application for development that would be located on what is now the Foundation's property. Changes in Federal law are regulating funding of disability services making it necessary for us to rethink how the foundation operates. Campus-like settings no longer offer the best options for services. That paired with the rising cost for maintenance of the property have forced us to rethink how we operate. The sale of the property would allow us to continue to support individuals with disabilities in our area. Mr. Mallory is a local resident and business owner with an excellent track record of developing and managing properties on the Peninsula. We feel he is offering the best fit for the space. The community is growing and this project will bring much needed housing to the area. Our organization and the community we serve are counting on these funds to advance our mission and kids like Ann Marie. Thank you.

Ms. Amy Barnes greeted Council and made the following statement: What I would like to offer is that I am born and raised in Hampton my entire life. The only time I ever moved is when I went to Radford to get my graduate degree and came right back to the area. I live in Nelson Farms. I have been a proud homeowner for 19 years. I am directly there on the main road. The traffic that we have previously, of course things have changed a little now with COVID but we are getting back into the swing of things. The traffic that goes back and forth from Thomas Nelson Community College, now Virginia Peninsula Community College has always been an issue for the neighborhood. I, myself, always have to be careful what time I am approaching and leaving my house depending on if the semester is in and how traffic is at that time. I do believe that traffic is a concern despite what we may have heard earlier. I do believe that traffic and crime would also be a potential concern. I am just here to say that I do not support the proposal to build Westview. Thank you for your time.

There were no others signed up to speak so Mayor Tuck closed the public hearing.

Mr. Cumming clarified that the four-story buildings are in the internal area of the property away from the perimeter and any residents. In regards to the traffic, he stated that Thomas Nelson Drive is a through road rather than an internal neighborhood road. He finished by sharing that Mr. Mallory and his family have been property owners in our community for generations and they propose to own and manage the property themselves for the unforeseeable future.

Mayor Tuck indicated that he had not spoken with other members of Council regarding this but offered his own comments. He shared that he has been Mayor under four different base commanders at Langley. He has also been Chair of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) which is a group that advocates for military installations and federal facilities in our region. Their first trip to the Pentagon since COVID is scheduled for October 27th. They have tried as an authority to secure the military institutions and installations in our area from BRAC. He shared that in 2005 we lost Fort Monroe and TRADOC was moved to Fort Eustis due to a BRAC closure. Mayor Tuck shared that he has tried to appeal to the Secretary of the Air Force, who at the time was Secretary Heather Wilson, to try to get new basing at Langley Air Force Base. They felt there is more capacity than just having the 1st Fighter Wing as well as the 192nd Air Wing which is actually the Virginia National Guard. As a result of the damage done to Tyndall Air Force base from hurricane Matthew, we are now planning for the basing of the F-22 training unit. There are also things planned for Langley that the Mayor is unable to share at this time that will impact what is currently there as well as some of the areas around Langley. The City, along with State funding, has tried to purchase some of the properties adjacent to Langley Air Force base that they believe would create an issue regarding encroachment. As chair of the Futures Committee, a subcommittee of HRMFFA. They are talking with base commanders, National Park Service, the VA Medical Center, all the federal facilities as well as the military installations in our region to determine what concerns would be 15 years from now. Sea level rise, energy and power, adequate affordable housing, childcare, reciprocity of certifications for spouses of Air men and women, and spouses of Navy personnel to ensure they can find employment here. Mayor Tuck stated that he thinks the project is wonderful and the housing units are needed, however he is concerned about the compatibility where it is proposed to be located. He shared that he does not believe the base commander's concern is a knee-jerk reaction but rather a well thought out response and that he genuinely concerned about Langley. Mayor Tuck shared that while he would love to support this wonderful project, when the vote is called he cannot support it.

At the request of City Attorney Cheran Ivery for the record, Mayor Tuck closed the public hearing again.

A motion was made by Councilmember Chris Bowman and seconded by Vice Mayor Jimmy Gray, that this Rezoning Application be denied. Due to confusion on the first roll call vote, the roll was called again and the motion carried by the following vote:

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

Nay: 1 - Councilmember Hobbs

Use Permits

12. [22-0183](#) Use Permit Application by Westview Landing, LLC. for Construction of Multifamily Dwellings Within the Multifamily Residential (MD-3) District at 10 Doris Carlson Dr [LRSN: 5000040], 51 Battle Rd [LRSN: 5000041], 30 Singleton Dr [Portion of LRSN: 5000042], and 60 Battle Rd B [LRSN: 5001596]

Attachments: [September Revised Staff Presentation](#)

[September Application](#)

[Survey](#)

[September Concept Plan](#)

[September Narrative Statement](#)

[September Presentation](#)

[September Staff Report](#)

[September Applicant Presentation](#)

[Conditions](#)

[Wetlands Consultant Memo](#)

[LAFB Comment Letter](#)

[Citizen Comments](#)

[Applicants Presentation](#)

[June Application](#)

[June Staff Report](#)

[June Presentation 1](#)

[June Presentation 2](#)

[August Staff Report](#)

[August Presentation - same as 22-0181](#)

Ms. Bunting stated that items 22-0181 and 22-0183 were on the agenda last month and were redirected to the Planning Commission as needed. She shared that the applicant is seeking a vote at this meeting and staff is prepared to present the items for Council consideration for vote. Ms. Bunting introduced Chief Planner Donald Whipple to make the presentation. Item 22-0181 and 22-0183 were presented together and presentation summary is listed under item 22-0181.

Prior to the vote for item 22-0183 Councilman Brown made the following statement. As a member of the planning commission this came up and the concerns were Langley and residents not being informed about meetings about this serious move to build apartments in a single family residence zone R-11. I just want to say the decisions I made are not knee jerked, not pressured by anyone. I do my research. I talk to residents. I have gone out to that community many, many times. I have a great compassion for those who have mental illness. I have served two decades on the community services board, two times as chair. My brother had mental illness so I understand the passion and the compassion there. But as I looked at this project there were several things I noticed. First, the residents didn't want it. Second, Langley did not want it because of their future projections of building another flight line. The meetings that were held did not include residents the first time. The planning commission turned it down, then staff said it is not compatible with the community plan. Those are enough indicators for me even though it is a beautiful project. The amenities are great, but those are enough indicators for me to make a decision. It bothers me, and I seldom ever say this from this dais but I say it tonight, it bothers me to be chastised in the way I felt we were chastised tonight when this decision came up before Council. I have done my homework. I have done my research. I have talked to residents. It is a beautiful project but it does not fit in this community. So I want to make that very clear for the record.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Use Permit be denied. The motion carried by the following vote:

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

Nay: 1 - Councilmember Hobbs

Other Items

13. [22-0244](#) 2021 - 2022 Consolidated Annual Performance and Evaluation Report (CAPER)

Attachments: [2021 CAPER Document](#)
[Presentation](#)

Ms. Bunting introduced Mr. Jonathan McBride, Neighborhood Division Manager to make the presentation.

Mr. McBride greeted Ms. Bunting and Council and provided a brief update on the Annual Federal Housing programs for this year. He gave a brief explanation of Consolidated Annual Performance Evaluation and Report (CAPER) which covers FY2020-2024. Mr. McBride displayed the objectives of the first program funded by these funds, the Community Development Block Grant (CDBG) program including three national objectives, one of which must be met.

Mr. McBride shared that the second program supported by these funds is the HOME Investment Partnership program. This program is unique in that in addition to the primary objective, it requires 15% of the budget to be set aside for the Community-Based Housing Development Organizations (CHDO). He mentioned that the housing agency in Hampton is the Habitat for Humanity. Mr. McBride shared the HUD income limits and explained that funds are targeted towards low to moderate income households, which are those making less than 80% of the median regional household income.

Mr. McBride covered the allocations to both the CDBG, which has been decreasing over the last 10 years, and the HOME Investment Partnership program which has increased slightly over the last several years. He also shared information on program incomes.

Mr. McBride provided a summary of activities undertaken for the last year, some of which are still ongoing and expected to complete during this calendar year. The Weatherization and Energy Efficiency Program (WEEP) assists with roof and window replacements, installation of accessibility features such as wheelchair ramps and doorways, to make homes accessible. The code enforcement program includes some CDBG funding for inspectors. He shared data for acquisition, demolition and disposition of properties. Mr. McBride shared information on the activities that fall under the HOME program including homeowner rehabilitation, homebuyer assistance, and housing counseling conducted by the housing authority.

Mr. McBride concluded with the 2021-2022 CAPER schedule and shared that the full report is available online and in the libraries. He stated that any public comment received at this meeting will be included in the report that will be sent to HUD later this month for review and approval.

In response to Vice Mayor Gray's question concerning what the funding is allocated

to for the WorkOne program at the YH Thomas Center, Mr. McBride explained that when the center was first setup they funded the staff member. However, due to staff turnover, the position has been absorbed into the Economic Development Department. The funds that were budgeted into CDBG for the position are being repurposed under the plan presented tonight.

The Mayor opened the public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Chris Bowman 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, Councilmember Ferebee, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

14. [22-0245](#) 2022 Community Development Block Grant (CDBG) Annual Action Plan Amendment

Attachments: [Presentation](#)
 [CDBG Proposed Amendment](#)

Mr. Jonathan McBride began this presentation by saying that these funds are allocated annually and are allowed to roll over. Over the last year staff has reviewed the funding to make sure it has been allocated properly.

Mr. McBride began with a recap of the objectives for the (CDBG) program which were just presented for public hearing for item 22-0244. He continued by stating that there is a requirement to only have a certain amount of funds on hand by a certain time of year. Mr. McBride shared the list of funds from previous years dating back to 2014 that will be rolling over into one fund to more efficiently move them this calendar year. Some are funds for activities that started and did not finish, or activities that they budgeted more than was needed. He shared the proposed move of funds into the current fiscal year's housing programs which covers weatherization, energy efficiency, and accessibility programs. These funds are going directly towards the waitlist, which currently has about 200 people. The housing authority hosted a session in April with approximately 50 homeowners from the waitlist. There are 30 with completed paperwork that are currently being worked on. He shared that they will begin going through the waitlist again in the next few months. Mr. McBride shared that these funds along with the ARPA funds that the City has set aside will help make progress on these projects.

Councilman Brown inquired as to the status of the progress as he has received

phone calls from some of the approximately 300 people who were on the list, and believes other Council members have as well. Mr. Bride explained the process that began in April and would continue in groups of approximately 50 with the goal of going through the list by some time next year.

Mr. McBride concluded with the 30-day schedule which has been available since August 11th and that no comments have been received yet. He stated that any comment received at tonight's public hearing will be included in the report that will be sent to HUD later this month for review and approval.

The Mayor opened the public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Billy Hobbs 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, Councilmember Ferebee, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

PUBLIC COMMENT

Prior to the start of the public comment period, Mayor Tuck recognized Delegate A. C. Cordoza and his Chief of Staff who were in attendance.

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

Mayor Tuck called the first two speakers, Ms. Gail Roberts-House and Ms. Ursula Barkers.

Ms. Gail Roberts-House greeted Council and made the following statement: I am here today to speak about the opportunity given to three very special young people who were almost left on the margins this summer because of bureaucratic infighting over who had ownership or whose idea it was to create a garden program that would give young people in Hampton an opportunity to learn and earn. When we found out that these young people would be abandoned because all the i's were not dotted and t's were not crossed, and that barriers and program requirements were being used to the disadvantage of the young people for whatever reason between City agencies and employees, Faith Walk Hampton stepped in. We decided that we would raise the money between our member churches to pay these students for two days a week to work in the Healing Hampton Garden. We reached out to partner with Hope for Suffolk who has operated a very successful garden program since 2010. When we told them the circumstances, the Director told us we could bring the students

over there and they would put them on their payroll. All the barriers, requirements that were in place in Hampton were not a problem because we both recognize that you can work with people to overcome barriers and not exclude them. For three days a week, a volunteer driver would meet the students at Phoebus High School with a church bus and take them over to Hope for Suffolk Garden to work with other student interns. They made new friends and became a part of a new family of friends in Suffolk, besides learning gardening, the mechanics of gardening business and other life skills. They will participate in Harvest Fest with the other students in Suffolk who planned this activity and the end of summer celebration party. And they will work in Suffolk and Hampton until the end of October, after school and/or on Saturday. In addition, Faith Walk Hampton decided to expand and scale the program for 2023 in Hampton in conjunction with Hope for Suffolk and additional garden properties at churches in Hampton. We have interviewed with an international foundation that noticed Jobs for Life and Hope for Suffolk, and as a result we became involved in the discussion. The foundation representation will be conducting a site visit to Hampton, Newport News and Suffolk in October. There will be another Hampton Roads City coming on board to join us in 2024. Fortunately, we know that the God we serve who created all is big enough. Big enough that it helps us to see that we, not one entity, cannot do it alone. We may have different methods and foundational ways of getting to a desired result but the result is, hopefully, the same. A community where all, not some, all will flourish. We have a story to tell. The community has a story to tell. You have a story to tell. Thank you for your time and we are better together in Hampton because it's a lifestyle and not a slogan. Thank you.

Ms. Ursula Barkers greeted Council and made the following statement: On Saturday, August 27th, I had the pleasure to attend the First Enslavement African Landing Ceremony, the main event of the annual 1619 commemoration ceremony weekend on Fort Monroe. It featured professor and civil rights attorney Dr. Gloria J. Browne-Marshall as the main speaker, followed by a bell ringing ceremony. Mayor Tuck was an honorary bell ringer representing the City of Hampton. Mayor Tuck rang the bell for reconciliation, striving to stop racial institutional injustices, disparities and brokenness in our communities. Ladies and gentlemen of the Council, if you agree with Mayor Tuck's representation, you respect all Hampton citizens including our community populated by mostly people of color and want to heal the wounds of the past and current racial injustices, then you will never agree to the 750 Shell Road property rezoning application possibly soon to be before you for a vote. You must know allowing the historically significant and sacred property to be turned into an industrial park will add salt to the still open wounds of racism furthering the inequality still suffered by too many in the year of 2022. I again remind you that we are honorable citizens who deserve your respect and dignity. An environmentally sound community, one in which we can walk safely on streets and

sidewalks, one that prospers and excels but never a community that goes backward. Let us use the sacred deaf and blind school property to build nice family homes that a hardworking family can afford to purchase, surrounded by amenities any other healthy community has in its avail, but never the industrial park that you are considering for this piece of land. Over 10 years now, I and many others have raised our voices in opposition to the City's and Economic Development Authority's plans for this special land. We were always very clear in openly communicating to you our wishes for our community. You must only consider implementing positive changes. Changes that enhance but not diminish our neighborhood's infrastructure and quality of our lives. Also, please focus on holding accountable the owners of the many blighted businesses lining both sides of West Pembroke Avenue, demand that they bring their properties up to code both environmentally and esthetically. Nothing more, nothing less than you rightfully demand from us private owners. Thank you so much for hearing me again.

Mayor Tuck introduced the next two speakers, Ms. Darlene Walker and Mr. Chris Matthews.

Ms. Walker greeted Council and made the following statement: I come to you representing the National Black Child Development Institute. We are here to just bring greetings and let you know how happy we are to be working in the community. One of the things that we are focusing on here in our community is to advance parent engagement and literacy with our children and families. So, the National Organization is based in Maryland and so our affiliate covers the Hampton Roads area, so that is all seven cities and Williamsburg. We give a special shout-out and thank you to Vice Mayor Jimmy Gray for being here and supporting us, and the Council over all. We do thank you all and we look to just continue to flourish. We do want you guys to know that we are not just playing around with this thing. We are the affiliate of the year with our national organization. There are about 23 other organizations across the country and growing and we are really happy to carry that, so-to-say, the trophy for right now and being a good strong working affiliate. We are a small affiliate compared to some of the others so we are very happy about that. We have also, in addressing our literacy concerns, we've given out over 10,000 books across our Hampton Roads areas so we are, matter-of-fact we are beyond 10,000 books and so now that COVID is coming to something of a close we're looking to get back into getting with our parents so we can do parent engagement in person and not have to do that via Zoom. With that being said we have partnered with quite a few of our local organizations and some we have been with for quite a few years. We partner with the Peake Center, Mary Peake Elementary School, the CSB and we also, one of our bigger partners is with HRCAP and the Head Start program. We have a very strong relationship with them and earlier you all heard about the Project Discovery program and we are always excited about that and I can

always say, and love to put out there, I am the first Project Discovery coordinator for that program. We piloted that back in like 1988 or so. I am always happy to hear her give any kind of kudos or applause to the Project Discovery program for it still being here so it's a wonderful program. You guys keep on supporting it and we look to come back and give you all some continued good news of the things that we do within the National Black Child Development Institute. Thank you.

Mr. Matthews greeted Council and made the following statement: I'm actually grateful that I got to follow her up because I came here to announce that I am piloting a program right now with Virginia Peninsula Community College, their veteran student association along with the Hampton Public Schools. I want to create a program where veterans and our youth get together for tutoring and mentorship. I feel that our veterans offer a lot of shared trauma with our youth that they can both benefit from and come together and create a bond over. The tutoring aspect will help us catch up with post-COVID times. I'm bringing it forward in front of you guys because there's been many a program that you've seen come and go. There's been many a program that many of you participated in and I would like to lean on you as resources, as people with knowledge who could share this information of what you've seen as successes and what you've seen as failures in these kind of programs. This is something I'm excited about, I want to see succeed and there's a lot of resources here in this room right now that I'd like to approach and take advantage of because we can do a lot of good for our community right here. Thank you, have a good night.

Mayor Tuck shared that our Vice Mayor leads a group that is doing mentoring as well as tutoring. He shared that the Hampton City School page has a program called RISE which is trying to do mentoring and tutoring of young black males who are in the middle schools. He stated that in addition to what Mr. Matthews is trying to do, we can't have enough people willing to give their time to help our youth.

Ms. Bunting shared that the City would be willing to share its experiences with programs such as those mentioned by Mayor Tuck and that Councilman Brown currently chairs a mentoring program at the Boys and Girls club.

Ms. Bunting thanked Faith Walk Hampton for helping the youth with the Hampton Healing Garden. She clarified that the City always wanted to participate in the program and it is not fair to categorize it as bureaucratic infighting. What ultimately happened was the staff working on the program did not understand that birth certificates and social security numbers would be required. The City of Hampton as an employer and vendor/payer must follow certain federal requirements and wasn't able to help them get all the proper documents in time. Ms. Bunting shared that the City is looking forward to expanding that program and is delighted to see that the three students were supported by Hampton Faith Walk and the Suffolk Garden, and

that their experiences were really wonderful. She shared the hope that the three young people who participated will step up as mentors for the other young people the City hopes to bring to the Hampton Healing Garden.

Delegate A. C. Cordoza greeted Council and made the following statement: I represent half of Hampton, all of Poquoson and about one third of York County. I want to give a small legislative update and inform you and invite you all to a community event going on Friday. As you are well aware, the special session of 2022 has officially been closed. We were able to use this time to finish bills that had been passed over that had something to do with the budget. One of those things was for Fort Monroe, which received lengthy, additional capital for fixing up the buildings while keeping with historical preservation, as well as several judges who were appointed to the 10th Judicial Circuit, the 12th Judicial Circuit and the General District Court of the 12th Judicial Circuit as well as the Juvenile and Domestic Relations for the 10th Judicial Circuit. The rest of the appointments we were not able to get to and will be appointed by our Governor. Those will be done in the interim and I wanted to invite all of you, Mayor and Councilmen, Councilwomen, City Manager, City Attorney, everyone to come to our event. We are going to have the Lieutenant Governor, myself, several members of the House of Delegates and Sheriff Danny Diggs from York County to have a student summit, of course free of charge, for everyone to come. Our students from several universities and high schools will be there and I invite you all to come, ask your questions. We will be answering them and kind of giving the community an interaction from the General Assembly and the Executive Branch. That will be Friday at the Vanguard right across the street at 5:30 pm. I thank you guys so much for your time and any questions you have for me, I will be here to answer them.

GENERAL ITEMS

Appointments

15. [22-0217](#) Consideration of Appointments to the Grievance Board
- A motion was made by Councilmember Billy Hobbs to reappoint Tishaun Ophelia to a second term until June 30, 2025, and appoint Zina McGee to a first full term until September 30, 2025. The motion carried by the following vote:
- Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck
16. [22-0248](#) Designation of Hampton's Voting Delegate and Alternate Voting

Delegate for the Virginia Municipal League (VML) Annual Business Meeting

Attachments: [VML Request Letter](#)

A motion was made by Councilmember Billy Hobbs to appoint Vice Mayor Gray as the Delegate and Mayor Tuck as the Alternate to vote for the City at the Virginia Municipal League business meeting and the Urban Section meeting on October 3, 2022. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Mayor Tuck reminded those in attendance of the following events:

Saturday, September 17th from 11 a.m. until 3 p.m. - Ribbon Cutting and Dedication of the Mary W. Jackson Neighborhood Center

Friday, September 16th at 6 p.m. - Documentary on the history of Aberdeen at the American Theatre

Saturday and Sunday. September 17th and 18th - Hampton Cup Regatta

MISCELLANEOUS NEW BUSINESS

Mayor Tuck shared that Hampton had a little fun on August 15th when participating in the 7th annual City Hall Selfie Day which is an initiative of a national group designed to celebrate all the love and joy that goes into local government while celebrating the places we work and our colleagues. Basically the challenge is to take a 'selfie' and share it on-line with the hashtag #CityHallSelfie. There was great participation from City employees and, in the category of Best Dressed, we were the national winner. Mayor Tuck shared the winning photo featuring students from Gymnastics, Inc. who visited City Hall after an activity where they hunted for the Key to the City and then

returned it to him at City Hall.

ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____

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