



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, July 13, 2022

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present. Mayor Tuck stated that, during the afternoon work session, Vice Mayor Gray's electronic participation for today's City Council meetings from his home by Zoom was voted upon and approved.

DONNIE R. TUCK PRESIDED

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

INVOCATION - Councilwoman Eleanor Weston Brown

The invocation was given by Councilwoman Brown.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck recognized members of Hampton's Public Service Team who held their annual field day on June 25th. The President of the group, Chris Hosman, shared information on the group. This team was founded in 2005 and provides

communication links between the City of Hampton Emergency Operations Center and other operational areas of the city during emergencies or disasters. Other team members present were Vince D'Elia, Don Mertz, Addison Inge, Chuck Curtis, Bill & Becky Siefers, Ralph Shutz, and Saunders Moon.

City Manager Mary Bunting also made a few remarks and thanked the Hampton Public Service Team and all City volunteers for their hard work and dedication.

Danielle Griffin and Jasmine West, dancers with David Riddick's Beauty for Ashes Contemporary School of Dance were recognized for their acceptance into the Dance Theatre of Harlem's Summer Intensive. Students Jade Scott and Zaire Harris were unable to attend. Miss Harris was also accepted into the Joffrey Ballet Summer Intensive. Mr. Riddick was present together with his assistant, Aisha Moore, and an instructor, Wanda Christian. The Mayor shared that Mr. Riddick and his company will be going to Germany, their first time in Europe.

Elijah "Eli" Mackey was introduced by the Mayor. Eli is a rising fifth grader at Kraft Elementary School and is a young entrepreneur and author of a book titled, "Adventure Time Eli." Eli brought his turtle along with him and also his younger brother, Nasir, and his mother. He also spoke a bit about the motivation behind the book.

Izabel "Izzy" Kudrick was recognized for her accomplishments in grappling, a martial arts term referring to the maneuvers used in grabbing an opponent. Izzy is the current 8/9 year old girls world champion in grappling. She is a third grade student at Phenix PreK-8 School. She also is an eight time state champion in four separate states, a two time national champion and a two time North American champion. Izzy spoke a bit about her participation in grappling.

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

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

1. [22-0203](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the FY22 Four-for-Life Aid to Localities Funds from the Commonwealth of Virginia, Office of Emergency Medical Services

Attachments: [FY22 Four For Life Funds Commitment Letter](#)

Item approved.

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

2. [22-0211](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the FY 2023 Fire Programs (Aid to Localities) Fund Allocation from the Commonwealth of Virginia, Department of Fire Programs

Attachments: [Disbursement-Schedule - FY23](#)
[Allocation Notice - FY23](#)

Item approved.

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

3. [22-0208](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 14, Fire Prevention and Protection, Article I Entitled, "In General," Sec. 14-2 and Sec.

14-3, and Repealing Sec. 14-27 of Article II Entitled "Fire Prevention Code"

Attachments: [Redline](#)

Item approved.

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

4. [22-0212](#) Resolution of Endorsement of Fiscal Year 2028 Smart Scale Projects

Item approved.

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

5. [22-0215](#) Resolution Authorizing the Execution of an Access Agreement Between the City of Hampton and the United States Navy to Access the Mill Creek Pier Located Behind the Fort Monroe Community Center at 100 Stillwell Road

Attachments: [Access Agreement](#)

Item approved.

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

6. [22-0202](#) Continuation of City Council Appointments

Item approved.

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

7. [22-0204](#) Approval of the minutes from the legislative session of May 25,

2022, the special session of June 6, 2022, and the work and legislative sessions of June 8, 2022.

item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

8. [22-0214](#) Harvard Bloomberg Fellowship Project Briefing

Attachments: [Presentation](#)

City Manager Bunting introduced the item and shared that Mayor Donnie Tuck was invited to participate in the Bloomberg Harvard Initiative which led to the opportunity for the City to receive a fully paid Summer Fellow. Ms. Bunting welcomed the Summer Fellow, Elena Sokoloski and invited her to make the presentation.

Ms. Sokoloski thanked everyone for the opportunity to share the work she has completed so far. She began by giving an overview of how we can build upon existing City efforts to improve data driven decision making, particularly in Public Safety.

Ms. Sokoloski reviewed the results of her preliminary analysis of integrated data sources from across the City for the period from January 2017 through May 2022. She shared that the major outcomes from the analysis show several trends of interest involving Group A incidents committed by children. Group A incidents are more serious offenses such as violent and property offenses committed by children 17 and younger.

Ms. Sokoloski shared statistics from the presentation. She addressed the rate of increase in incidents, the seasonal trend, and demographics of children involved, which includes age, race and gender statistics. The cause behind the seasonal trend will involve more research to understand.

Ms. Sokoloski proposed a couple of potential pilots for the City to consider. The first would address seasonality and demographics. The second concerns improving data integration using a publicly available open data portal or a standardized tool for City departments to share their information. Ms. Sokoloski expressed her thanks and welcomed questions.

In response to Mayor Tuck's question regarding the twice yearly spikes in incidents, Ms. Sokoloski responded that no one has a theory yet, but due to hypotheses that have come up as they have discussed this, one is that it might just be an issue with how data is reported. She stated it is possible just because children are in school they are being supervised more during the school year. These incidents are happening during the summer and there is just nobody to make an incident report on them. She added that theoretically there could be the same level of incidents throughout the year, but during the school year because kids are more supervised, these incidents are turning into incident reports. She also stated that the second explanation would be when children are in school together there is more conflict and kids know where to find each other. She concluded with the possibility that there is more potential for these incidents to arise than there would be in the summer when kids go their own way, hang out with their friends and participate in programming that has been developed to support them.

Mayor Tuck thanked Ms. Sokoloski for her time with the City. Since this was her last appearance at a City Council meeting, she was presented with a City coin and a gift in appreciation of her contributions to Hampton. Mayor Tuck invited Ms. Sokoloski to make her presentation at the Macedonian Call meeting on July 26, 2022.

PUBLIC HEARINGS

There were no individuals signed up to speak on the public hearing items so the Clerk did not read the protocol.

Rezoning

9. [22-0184](#) Rezoning Application by Michel Properties, LLC to Rezone +0.865 acres at 53 Wythe Creek Road [LRSN: 6001176] from Limited Manufacturing (M-1) District to Light Manufacturing (M-2) District with Proffered Conditions for Light Vehicle Repair

Attachments: [Staff Report - updated for August](#)

[Presentation - August](#)

[Application & Proffers](#)

[Support Letter](#)

[Staff Report - June](#)

[Presentation - June](#)

[Presentation - July](#)

At the June 8, 2022, meeting, this matter was deferred until August 10, 2022. Due to a deficiency in the required notice, Council was requested to refer this matter back to the Planning

Commission. It will come back to the City Council for action at the August 10, 2022, meeting.

City Attorney Cheran Ivery read the following statement regarding the item: This item is being referred back to the Planning Commission in order to correct a deficiency in the required notice. Specifically, the Code of Virginia requires that when a proposed rezoning involves any parcel of land located within a half mile of boundary of an adjoining locality, then in addition to the newspaper advertising and written postcard notifications to neighbors, written notice must also be given to the Chief Administrative Officers of those localities. Notice was inadvertently not provided to the City of Poquoson and York County before the Planning Commission meeting in June but has now been delivered. Thus the item is being referred back to ensure the Planning Commission's recommendation is supported by all legal notices having been made in advance. The Council will not further act upon this rezoning until its regular August meeting which will occur after the Planning Commission has reconsidered the application. At this time I would ask that the council entertain a motion to defer.

There were no speakers on this item.

A motion was made by Councilman Brown and seconded by Councilman Bowman that this matter be referred back to the Planning Commission. The motion carried by the following vote:

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

Ordinances

10. [22-0169](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards on Uses," to Modify Regulations Pertaining to Restaurants, Micro-breweries, Distilleries, and Wineries, and

Breweries, Distilleries, and Wineries with Retail Alcoholic Beverage Licenses or Live Entertainment or Outdoor Dining

Attachments: [Redline Standard Districts Table](#)
[Clean Standard Districts Table](#)
[Redline Special Districts Table](#)
[Clean Special Districts Table](#)
[Redline Additional Standards](#)
[Staff report](#)
[Presentation](#)
[CCBID response](#)
[DHDP response](#)
[Phoebus Partnership response](#)
[Table of Uses Permitted_Special Districts_7.13.2022.pdf](#)
[Table of Uses Permitted Standard Districts 7.13.2022.pdf](#)

Ms. Bunting shared that the intent of this change is to streamline the use permit so that businesses only need to get one use permit public hearing for various things. The item was deferred to gather additional business input, which has been favorable. Ms. Bunting introduced Deputy Zoning Administrator Allison Jackura.

Ms. Jackura greeted everyone and reviewed the slide presentation.

Since the adoption of new zoning regulations pertaining to ABC-licensed businesses in 2020 it has been determined that businesses face a larger than anticipated burden. These amendments are designed to address those issues.

The goals of these amendments are to consolidate uses related to eating and drinking establishments, clarify restrictions related to those uses and reduce misunderstandings of restrictions.

Ms. Jakura indicated that confusion stems from the fifteen different uses found in the current ordinance, most of which require a Zoning Administrator Permit. For those businesses with an ABC license, the 10 pm closing time restriction has become troublesome. Businesses wishing to exceed the restrictions set forth under a Zoning Administrator Permit currently require a Use Permit. The process for requesting a Use Permit is lengthy and burdensome.

The proposed ordinance consolidates the existing uses into a three-tiered system within the restaurant category. Ms. Jakura provided detailed explanation of the proposed tier system for restaurants broken down by the type of restaurant. Support for the proposed amendments was received after input from Coliseum Central

Business Improvement District (CCBID), Downtown Hampton Development Partnership (DHDP) and Phoebus Partnership (Partnership for a New Phoebus).

Councilman Steven Brown expressed gratitude to Ms. Jakura and staff for their work on this amendment and stated he believes it will help streamline the process and make it less frustrating for businesses.

There were no speakers at the public hearing.

A motion was made by Councilmember Billy Hobbs seconded by Councilmember Steven Brown, that this Zoning Ordinance be approved. The motion carried by the following vote:

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

PUBLIC COMMENT

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

Mr. Vann made the following statement: Thank everyone for this opportunity. I'm here this evening to represent Aberdeen Garden Historic and Civic Association to represent the Aberdeen Gardens community, the residents there and also myself. One issue of concern that we had in our last association meeting last month was regarding the new program or the reinstatement of the City's assessment program. Now we do understand the reason for this in reference to get current up-to-date assessments of City property. Which is understandable because that's a major source of revenue to get a good hold on the tax base for the residential property. And so that's not our concern. Our concern is part of the process which involves someone coming to your residence unbeknownst to you and we're concerned about security issues. We do know that right now in this time there are a lot of scam type fraud scenarios going on. Folks coming to your residence trying to enter with fraudulent information. And this is a concern of the residents there in Aberdeen Gardens that this may be a problem. And what we are concerned about is trying to what we call damage control, to not have any incidents and have a zero tolerance. Because at the end of the day what's the value of a life by entering a property versus the value of a life by not entering that property? And that is a grave concern so I'm here this evening to represent that and to ask the City Council, the assessment office and those concerned to maybe take another look at that particular line item, that particular procedure in this assessment process and so I'm here to vocal that opinion of the entire Aberdeen Community. Thank you.

Ms. Davis made the following statement: I am Ms. Veronica A. Davis, author, historian and resident of the great City of Hampton, VA. Many years ago, I think this one is sixteen about, seventeen, eighteen, a little bit more years ago I came home and I stood here and I committed myself to Hampton. I have, you guys had up until 2019. In that time I have worked with your cemeteries, worked with historic sites, I've written books on Hampton University. I've done a lot. I've even been travelling the state of Virginia. And all of this with a child in tow. Ok. My concern here is two things. I'm getting phone calls about Barnes Cemetery and that it's being encroached on, that there's an infant child buried there. The person who's bought some property over there he wants to put a driveway on top of this child. Today coming into the building I'm being told oh, they want to take the deaf and blind property turn it into an industrial area. I said what do the people want? They said Ms. Davis we want something for our kids, we want residential homes. Now, deaf and blind. Nobody in this city but me knows what was going on when Dr. Christian made her decision on that property. How do I know that? Because I was the person that was sitting there. I was the person who made the phone calls. I was the person who dialed the numbers and handed her the phone. Ok. So I know the entire history. I know personally because I read the deed when it was turned over to the state. That the property was for African Americans. That is the way it was written. It has not changed. I am very upset because it moves me that every single piece of property that I look at that involves African Americans handing it over to a city, handing it over to a state, all of a sudden gets used for whatever someone who is not African American wants it to be used for. It's not fair to us and now that the pages of history is changing, and our outlook on African Americans is supposed to be changing then that means I'm going to ask you to go back, re-look at those deeds. Why don't you look at the pictures of those young people who got off at the train stop where the deaf and blind school is? Think about them. Some of those kids who went to that school, they're still living today. What do they want to see happen to that property? It was used as a school and we still need it as a school.

Mayor Tuck stopped Ms. Davis from making additional comments, as her allotted time had expired.

Mayor Tuck called upon the next two speakers, Dr. Angela Goodloe and Nikia Miller.

Dr. Goodloe made the following statement: I'm Angela Goodloe, a resident here at Hampton and I've been here over 30 years perhaps. I am here on behalf of the Barrett-Peake Historical Heritage Foundation and what I want to do, each of you have already received this letter, but I am here to read the letter to you. I believe you received the letter June the 28th. I am asking on behalf of the Barrett-Peake Foundation, Heritage Foundation that this appeal for ideas for the property of the Virginia School for Deaf, Blind and Multi-disabled. One of the initiatives of the

foundation is to provide educational and cultural initiatives at the school, which we still hope to do so when the renovations of the Pembroke property is complete. The acreage is pregnant with possibilities of historic, as a historic park. If Heritage markers were placed there, similar to how Heritage markers are placed at Bethel Park, which tells the story of the Civil War particularly the Battle of Big Bethel. It would be a place to educate and commemorate the legacy of teachers, principals and educational specialists in the early to mid-twentieth century. It could also be a place for an outdoor theatre. Natural concrete stage could be erected there for community theatre, educational symposiums, creative productions which aligns with the spirit of Dr. Mary T. Christian's legacy of the arts. One building may have the potential to become a museum or an educational center. The foundation hopes that there will also be consideration for the City to place an easement on the property for protection. Please consider these ideas for the continued growth and prosperity of Hampton. The letter was sent to you on behalf of the president of the foundation, Dr. Colita Fairfax. Please, accept this proposal or these ideas with love, from neighbor to neighbor. Thank you.

Nikia Miller made the following statement: I find it extremely, uncanny that the conversations that we've had today have celebrated youth in the City of Hampton as well as discussed the crime statistics in regards to our youth. Let me just give you some information on a child that you had absolutely nothing to do with. My daughter, Celeste, made honor roll all three trimesters that she was at Norfolk Collegiate this year. She ran for student council treasurer. She did not win, but the amount of progress that she made this year was outstanding. Through her therapy, she's no longer afraid to go to the bathroom after she was raped, repeatedly raped in a Hampton City elementary school.

The Mayor indicated that the matter she was discussing was beyond the purview of the Hampton City Council and asked that she limit her remarks to matters which could be addressed by the Council or take a seat. Ms. Miller took her seat.

Mr. Stith made the following statement: I'm here, I've been here quite a few times about issues that I wanted to deal with and voice and make Hampton better as being a Hamptonian. I don't know if it would be right but, I'll try it again so another thing, I've got a couple of issues. Sometime when I called 311 and sometimes the recycling bin it overfills. And I know you both have different recycling places to plastics in different parts of the city. But when you call 311 they say to take it over to the um, landfill but when I take it over there they talk me out of it. They like nope, no and it's basically like a whole fight or whatever so I said hell with it, I just put it in another week and just leave it into the bin. Which doesn't, you know...Which is an overflow. Alright, the next issue is that since one I grew up in this area, I see that when I came back from the military y'all tore down the areas that I grew up in, Pine

Chapel, Lincoln Park, different areas. And also the deaf and blind and a lot of the areas I've been hearing different things about the different areas. I wanted to know what the heck y'all going to do with those areas because, like the downtown y'all building apartments and everything and a lot of times those people cannot survive, cannot live and survive in those apartments. So I would like to know what y'all going to do, like to know if y'all could turn them into an environmental health and safety, renewable energy zone for the city or something conducive for the city. Another thing, shortage of life guards. One thing that I think that my cousin and we was talking about was a lot of the teenagers, a lot of the people that that are around throughout the year that need y'all, or teenagers that are getting ready to go up, have them get in classes for being a lifeguard. So we can help this shortage. Um, because I have five seconds left, I might as well sit down. Thank you.

In response to concerns expressed during the Public Comment, the following information was shared:

Mayor Tuck indicated that Director of Public Works is at the back of Council Chambers and would be happy to assist with the recycling issue.

Ms. Bunting shared that the City offers teen life guard training through Parks & Recreation and more information can be found on the website.

Ms. Bunting shared background information on the Virginia School. She indicated that 25 of the 75 acres of property had deed restrictions requiring that in the event the state stopped running the school for African Americans with disabilities, it would revert back to the company that donated the land. When the state began to run the school in an integrated fashion, the court determined that the deed restriction would allow the property to be run as a school, which would comply with the country's integration policy. Upon closure of the school, the City purchased the 50 acres without the deed restriction, but were unable to purchase the remaining 25 due to the restriction. The City and state eventually went through the process to identify the heirs of the now defunct corporation that donated the land. The court appointed guardian made the decision on behalf of the heirs to sell the property to a private owner who has proposed development in conjunction with the City's portion of the property. Ms. Bunting shared that the heirs had the right to decide how to use the property. She closed by saying that the City is aware of the deed restriction and that the sale went through the proper channels.

Ms. Bunting provided information on the City's program to conduct property assessments. Citizens can voluntarily allow assessors into their home for inspection and assessment. All City employees are properly identified to help prevent security concerns. Ms. Bunting indicated she would share the concerns of Mr. Vann and the

Aberdeen Community with the assessment team.

City Attorney, Cheran Cordell Ivery, shared that the City has a program that will match funds for any entity that wishes to assist with cleanup of certain historical African American cemeteries. While Ms. Ivery is uncertain as to whether Barnes Cemetery has been designated as such, she indicated that the City can look into possible encroachment. She also clarified for the record that the City of Hampton does not own any of the historic African American cemeteries.

Councilman Brown asked if Ms. Bunting could provide citizens with information about when trash won't be picked up due to holidays, and also if neighborhoods could be told when the assessors would be in their neighborhoods. Ms. Bunting indicated they could try using the reverse 311 system for the assessor visits. Councilwoman Michelle Ferebee suggested that the City have a phone number that people could call to verify if a person was indeed an assessor. Councilwoman Eleanor Weston Brown suggested safety measures to prevent spam.

GENERAL ITEMS

Ordinances

11. [22-0207](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 22, Noise, Article I, Secs. 22-1 and 22-8 to add a prohibition against certain loud vehicles

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

Ms. Bunting introduced Deputy City Attorney Brandi Law to make the presentation.

Ms. Law began by providing an overview of Legislative History. The 2020 General Assembly decision making exhaust system violations a secondary offense was reversed in 2022. The General Assembly amendment that became effective July 1, 2022, once again made exhaust violations a primary offense, and gave localities greater authority to regulate the noise caused by improper exhaust systems.

Ms. Law explained the proposed amendment to the ordinance which makes it unlawful to operate a vehicle in which the noise from an improper exhaust system can be heard from a distance of 50 feet, defined in the Virginia State Code as two and a half vehicle lengths. After several weeks of training on how to legally and effectively enforce the ordinance, Police Officers will begin the enforcement August 1st, at which time violations will be punishable as a traffic infraction.

Following the presentation, discussion ensued between members of Council, Ms. Bunting, Ms. Law and Chief of Police Mark Talbot.

In response to Councilman Brown's question about why this change is proposed, Ms. Law stated that she believes some council members have received complaints but is unsure if the Police department has received any.

She replied to Councilman Brown that the ordinance is unrelated to decibels and is simply based on if it can be heard 50 feet away. Ms. Bunting clarified Councilman Brown's additional inquiry regarding loud vehicles, as perhaps referring to loud music coming from vehicles. Ms. Law stated that the City has an ordinance in effect relating to loud music.

Councilman Billy Hobbs provided an example explanation of a vehicle with an extremely loud exhaust system that is street legal.

In response to Vice Mayor Jimmy Gray, Ms. Law explained that the violation can occur due to illegal exhaust or due to exhaust that is not in good condition. Ms. Law confirmed that police would have to make that determination in order to issue a citation.

Councilwoman Ferebee expressed concern that both illegal and legal exhaust systems would be subject to the ordinance and inquired how many secondary citations were issued between 2020 and 2022. Ms. Law shared that she did not have the information with her but would be happy to provide it.

Ms. Law clarified for Councilman Brown that the courts would determine the amount of the fine, up to \$250.

Mayor Tuck indicated that councilmembers have received complaints from citizens, such as from seniors living at the Woodlands on Woodland Road, about individuals "gunning the motors" on "muscle cars" and also from motorcycles. Mayor Tuck shared that he has heard them in his neighborhood as well from a variety of different types of vehicles. He suggested providing the police department with decibel meters for use in determining the noise level so as to avoid confusion over the distance at which the noise was heard.

Chief Talbot explained that the laws and ordinances are written with a distance component that makes a decibel meter unnecessary. He indicated the ease with which officers can differentiate between a high dollar vehicle and a "piece of crap" vehicle. Chief Talbot further stated: "We are talking about a certain type of vehicle

and we all know it when we see it.”

In response to Vice Mayor Gray, Councilman Hobbs confirmed that according to the State Inspection Code, unless a modified exhaust has a leak, inspectors must pass it as they are not permitted to inspect noise level.

Councilman Chris Bowman asked whether vehicles such as Harleys with factory exhaust systems that can be heard from more than 50 feet will be ignored. Chief Talbot responded that the concern is with exhaust systems loud enough to shake you, in combination with poor driving habits.

Councilman Brown expressed that he is struggling with this. He believes enforcement is going to be very challenging. He questioned whether it would be directed at someone coming through his neighborhood with a loud muffler or people revving the engine consistently and aggravating the peace. He noted that the loud noise by airplanes flying over and motorcycles driving through his neighborhood is permitted. Modified mufflers that do not have a leak must be passed per inspection. Councilman Brown is concerned about the necessity of this proposed change without seeing the data driving it that indicates this is a problem. He indicated that he has not heard that it is a problem and does not understand the reason for the proposed change.

Mayor Tuck clarified that there is most likely very little data since we have been unable to use exhaust noise as the primary reason to stop drivers. He reiterated that the problem is not with vehicles that make a little noise, but rather with the behavior of drivers who intentionally gun their engines to produce the noise.

Councilman Hobbs shared that several times a week drivers can be heard doing donuts in the intersection of Neil Armstrong Parkway and Commander Shepard Boulevard. Chief Talbot reiterated that in addition to the after-market exhaust, there is a behavioral component factored into the proposed change.

Councilwoman Brown agreed that there is a behavioral component involved as evidence by the racing that occurs. She expressed appreciation for Councilman Brown’s concern and voiced her support in Chief Talbot’s ability to enforce the ordinance.

Chief Talbot acknowledged Councilman Brown’s concerns and closed by saying that with training, officers will be more equipped to make important discretionary decisions involving enforcement of the ordinance, just as they do with other situations.

During the vote, Councilman Brown stated that having made his comments for the record, he would support the ordinance reluctantly.

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

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

Appointments

12. [22-0198](#) Consideration of an Appointment to the Thomas Nelson Community College Board of Trustees

A motion was made by Councilmember Billy Hobbs that Jonathan Romero be reappointed to a second term until June 30, 2026. The motion carried by the following vote:

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

13. [22-0218](#) Consideration of Appointments to the Neighborhood Commission

A motion was made by Councilmember Billy Hobbs that the following be reappointed:

District 1 Representative, Channon Monroe, to her first full term ending on September 30, 2025,

District 8 Representative, Kevin Steele, to his second term ending on May 31, 2026; and

District 9 Representative, Gabriella Hayes, to her first full term ending on September 30, 2025.

Vacancies remain for District 5 (Fox Hill), District 2 (Magruder), District 3 (Mercury Central) and for a business representative.

The motion carried by the following vote:

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

14. [22-0220](#) Consideration of Appointments to the Social Services Local Advisory Board

A motion was made by Councilmember Billy Hobbs that Theresa Ashe Brookes be reappointed to her second full term expiring on March 31, 2026. The motion carried by the following vote:

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

15. [22-0222](#) Consideration of Appointments to the Board of Zoning Appeals

A motion was made by Councilmember Billy Hobbs that the following recommendations be submitted to the Hampton Circuit Court: Phillip Siff to a first term as a regular member and appointment of Julianne Cyr and Edwin "Chip" McErlean as alternates. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There were no items of new business.

ADJOURNMENT

The meeting adjourned at 8:13 p.m.

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

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____