



# 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 Linda D. Curtis*  
*Councilmember Jimmy Gray*  
*Councilmember W.H. "Billy" Hobbs*  
*Councilmember Will Moffett*  
*Councilmember Teresa V. Schmidt*  
*Councilmember Chris Snead*

*STAFF: Mary Bunting, City Manager*  
*Vanessa T. Valldejuli, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, April 12, 2017**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. with all members of Council present.

**Present:** 7 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead, Councilmember Will Moffett, Councilmember Teresa V. Schmidt and Mayor Donnie R. Tuck

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilmember Billy Hobbs

Councilman Hobbs gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck welcomed the 2016-17 Mideastern Athletic Conference Women's Basketball Champions from Hampton University (HU). Those present included:

Eugene Marshall, Jr., Director of Athletics  
Paula Jackson, Assistant Athletic Director for Student Services/SWA  
David Six, Head Coach  
Timothy Valentine, Associate Head Coach  
Jermaine Brown, Assistant Coach  
Janell Crayton, Assistant Coach  
Brianna Taylor, Graduate Assistant Coach  
Allen Pierce, Director of Basketball Operations

Aubrey Perry, Volunteer Assistant Coach  
Ashley Bates  
Jephany Brown  
Monnazjea Finney-Smith  
Georgianna Gilbeaux  
Chanel Green  
Dejane' James  
Kaylah Lupoe  
Shanice Neita  
Mikayla Sayle  
Chenya Sealey  
Adria Strothers  
Malia Tate-DeFreitas  
Niaya White  
K'lynn Willis

Mr. Marshall shared information about the upcoming HU Athletics Awards Banquet.

Mayor Tuck announced that Agenda Items #7, #8, and #9, which are Public Hearings, would be deferred until April 26, 2017.

## CONSENT AGENDA

Ms. Katherine K. Glass, Clerk of Council, read the protocol for the Consent Agenda and a summary of the items.

### Approval of the Consent Agenda

Motion made by Vice Mayor Curtis, seconded by Councilmember Gray, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

1. [17-0116](#) Resolution Determining Kart-Man to be the Only Source Practicably Available From Which to Procure Replacement Parts for the Versa-Kart Toters Formerly Manufactured by Ameri-Kart and Authorizing the Negotiation and Execution of a Purchase Contract with Kart-Man as "Sole Source"

**Attachments:** [Letter from Ameri-Kart](#)

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

2. [17-0136](#) Motion to Accept, Pursuant to City Code Section 2-134(a), the Donation of a 4.830 Acres, More or Less, Parcel of Land From Oxford Contracting, LLC

**Attachments:** [Deed of Gift](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

3. [17-0137](#) Resolution Appropriating \$17,270.00 of the Unassigned General Fund Balance to the Fiscal Year 2017 Operating Budget of the City Attorney as Authorized by Virginia Code §58.1-3969

**Attachments:** [58.1-3969](#)

[Entered Amended Order Approving Bid \(319 Ivy Home\)](#)

[Entered Amended Order Approving Bid \(945 Mason\)](#)

[Entered Amended Order Approving Bid \(Fulton\)](#)

[Entered Order Approving Bid \(28 Mitchell\)](#)

[Entered Order Approving Bid \(216 Manchester\)](#)

[Entered Order Approving Bid \(15 Lacrosse\)](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

4. [17-0117](#) Approval of the minutes from the legislative session of March 8, 2017, and the work session, ceremonial session and legislative session of March 22, 2017.

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

**PRESENTATIONS, PROCLAMATIONS, AWARDS**

**PUBLIC HEARINGS**

Ms. Glass read the protocol for Public Hearings.

**Use Permits**

5. [17-0119](#) Use Permit Application No. 16-00011 by Bull Island Brewing Company, LLC to allow for live entertainment in conjunction with a microbrewery at 758 Settlers Landing Road [LRSN 2003231]

Attachments: [Presentation](#)  
[Conditions](#)  
[Application](#)  
[Staff Report](#)  
[DHDP Support Letter](#)  
[Planning Commission Resolution](#)

City Manager Mary Bunting introduced Ms. Lucy Stoll, Senior City Planner, who presented this item to Council.

In reference to the caveat on hours and the necessity of having closed doors, Ms. Stoll indicated that Bull Island Brewing has a large garage door that, if left open, would be tantamount to outdoor live entertainment. If there is no live entertainment in progress, there is no restriction on the doors.

Councilwoman Schmidt asked if there was opposition to the proposal. Ms. Stoll indicated that she had not received any.

Mayor Tuck opened the Public Hearing.

Mr. Jimmy Cerracchio, Downtown Hampton Development Partnership Director, greeted those on the dais and made the following statement: We've submitted - for the Downtown Hampton Development Partnership, we've already submitted a letter of support, but I wanted to come back and reiterate what a great partner Bull Island Brewing has been so far for Downtown. They've gotten involved with our committees as well as joined us on marketing efforts for the summer. We're looking at doing a waterfront entertainment series, which partners with the (Virginia) Air & Space Center, the Crowne Plaza, the Hampton Carousel, and the Miss Hampton tour boat. They've been great with that, so I just want to stress again how important it is that they move forward with getting this entertainment option, and I hope you will support it. Thank you.

As there were no additional speakers, Mayor Tuck closed the Public Hearing.

Presented by Lucy Stoll, City Planner. There was one speaker, Jimmy Cerracchio of the Downtown Hampton Development Partnership, who spoke in support of this application.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this Use Permit be approved with twelve conditions. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

6. [17-0134](#) Use Permit Application No. 16-00010 by Jeffery Moore for live entertainment inside the Déjà Vu Restaurant and Lounge located at 2080 Nickerson Boulevard [LRSN 11003251]

**Attachments:** [UP 16-00010 Presentation UPDATED](#)

[UP16-00010 Presentation](#)

[UP 16-00010 CC Memo](#)

[UP 16-00010 Application Form](#)

[UP 16-00010 Narrative Statement](#)

[UP 16-00010 Conditions](#)

[UP 16-00010 Concept Plan](#)

[UP 16-00010 Floor Plan](#)

[UP16-00010 Citizen Email to CC](#)

[UP16-00010 Staff Report](#)

[UP 16-00010 Resolution](#)

[Applicant's Presentation](#)

Ms. Bunting introduced Ms. Tolu Ibikunle, Senior City Planner, who presented this item to Council. Ms. Bunting indicated that there is an expanded presentation as staff has changed its recommendation to Council since the Planning Commission meeting.

In reference to the Community Meeting, Ms. Ibikunle stated that approximately 34 people came out. No one spoke in opposition, but one did express concern about lowering property values.

Ms. Ibikunle noted that after the Planning Commission meeting on March 2, 2017,

several concerns were brought to the attention of staff. Staff met with the Hampton Police Division (HPD) and the City Attorney's Office, who provided additional information highlighted on social media. Various forms of live entertainment have been hosted by the applicant and advertised on social media, to include "Mood Mondays" and "Stylish Saturdays." This is a consistent occurrence, although no indication was given to staff during the application process that the applicant was already hosting live entertainment. These are violations of the City Code without a proper Use Permit.

Mayor Tuck asked for clarification on the sound condition. Ms. Ibikunle indicated that this condition would ensure a certain decibel level could not be heard from a certain distance from the establishment.

Mayor Tuck asked what prompted staff to investigate social media. Ms. Ibikunle noted that two citizens raised concerns during the Public Comment at the Planning Commission. One of these was a citizen that lived in the community and was concerned about a violent incident that occurred in Newport News at the applicant's former location. It was implied that this incident led to the applicant closing that location. The applicant responded that this was not the case. This led staff to work with HPD to ensure that everything was investigated appropriately and completely. Mayor Tuck asked for clarification on the timeline. Ms. Ibikunle noted that the Planning Commission and staff had already recommended this application for approval before the investigation, but staff wanted to ensure due diligence after the citizen's comments.

Mayor Tuck asked if there had been any indication of a connection between the Déjà Vu location in Newport News and the Hampton location during the application process prior to the Public Comment at the Planning Commission. Ms. Ibikunle stated that there may have been hearsay, but nothing to lead staff to connect the two locations until that Public Comment.

Vice Mayor Curtis asked when the application process began and how staff worked with the applicant prior to the Planning Commission meeting. Ms. Ibikunle stated that this application process began in June 2015; however, the applicant did not submit a complete application until October 2016. Vice Mayor Curtis asked if staff had conversations with the applicant during that time about what kinds of activities were going on at the restaurant. Ms. Ibikunle stated conversations had been held numerous times. She met with him in September for over an hour, which she typically does with all her applicants to ensure that they understand the land use application process. During that time, she reviews the application packet in its entirety and explains what constitutes live entertainment and the requirement to obtain an approved Use Permit prior to hosting any such events. Additionally, there

have been numerous emails. She noted that the applicant hosted a live entertainment event in December 2015 and was issued a formal notice of violation, which is another reason for staff's denial. They have on record that a formal notice was sent to three different addresses associated with the applicant that lists, per the Zoning Ordinance, the definition of live entertainment and that he was not to have live entertainment. Since December 2015, he has continued to host live entertainment events.

Vice Mayor Curtis asked if staff had been clear with the applicant that live entertainment was not to occur until a Use Permit had been obtained. Ms. Ibikunle confirmed this. Vice Mayor Curtis asked what constitutes live entertainment. Ms. Ibikunle stated that it means live performance, such as a band, a singer, comedy, dancing, a DJ, or theatrical performances - whether or not it is a private party or the restaurant is open. It all constitutes live entertainment.

Vice Mayor Curtis clarified that a restaurant without a Use Permit can have canned music or the radio, but a DJ constitutes live entertainment. Ms. Ibikunle confirmed this.

Mayor Tuck asked why the violation issued in December 2015 did not influence staff to recommend denial. Ms. Ibikunle stated that staff was trying to get the applicant into compliance. One of the reasons the application process took so long was because staff was trying to work with the applicant to ensure a complete application. The expectation following the notice of violation issued in December 2015 was that the applicant had ceased all live entertainment events.

Ms. Bunting stated that she requested a copy of the notice of violation prior to the meeting, and she distributed copies of it to the Council. The notice states what the violation is, references the City Code, which fully defines live entertainment, and then states that it must be abated without further notice. It further directs the individuals to apply for a live entertainment permit if they wish to conduct these activities and explains how to do so. Taken together with the conversations staff was having with the applicant, it presents a pattern that proper communication was occurring to bring them into compliance.

Ms. Ibikunle stated staff is not targeting the applicant in any way. As recently as February 2017, staff was informed that the applicant was going to host a comedy show. Staff intervened, letting the applicant know that doing so would result in another violation and could jeopardize his Use Permit application.

Councilwoman Snead asked if any of this information was relayed to the Planning Commission, and the reasoning if it was not. Ms. Ibikunle stated that the notice of

violation from December 2015 was not brought to the attention of the Planning Commission. This was because the notice of violation was issued in 2015, and the expectation was that the applicant had ceased all live entertainment activities. When concrete evidence was brought to the attention of staff, action was taken.

Ms. Ibikunle stated for the record that during that time, as part of the enforcement process, HPD and Codes & Compliance had inspectors investigate the site to see if any live entertainment was occurring, and they did not witness any events.

Ms. Bunting stated that the staff was not aware of the violations that had been occurring because during the investigations, those events were not occurring, as they are night and weekend events staff was not aware of. When the concern was raised during the Planning Commission, additional investigation resulted in the evidence that there was a more pervasive pattern of violation than originally realized.

Mayor Tuck indicated there was some confusion over the letters being shared with Council. Ms. Bunting stated that there are four different letters because the City sends letters to registered agents, owners and the location. They are the same letter, with different addressees and locations.

Mr. Phil Russell, Property Maintenance Division Manager, stated that there is a third page on the notice of violation issued to the location, showing a picture of the actual posting of the violation on the premises, in addition to the mailings. It was sent to the address of record for the business license, the owners of the shopping center property, and the registered agent.

Councilman Gray asked if Mr. Russell had any conversation with the applicant following the notice of violation. Mr. Russell stated that the inspector who issued the notice followed up with the applicant.

Mayor Tuck invited the applicant forward.

Mr. Jeffrey Moore approached the dais and made the following statement: I am the owner of Déjà Vu Restaurant and Lounge at 2082 Nickerson Boulevard in Hampton. I want to start off first by thanking my family and friends that came out to support me in this endeavor to get my entertainment license. I want to thank them for their support. I also want to start off by saying that I've never thought that Ms. Tolu (Ibikunle) was against me. In fact, I can't thank her enough for all the support that she's given me with this whole entertainment license application. It's a much bigger process than most people know. There's a lot to the whole entertainment license application and it's still not necessarily clear about all the things that you are able and are incapable of doing when you have an entertainment license. Now, I do want



to say this, I didn't meet Tolu probably until about September 2016, so the first time I probably ever met her in my life is around that timeframe. Now, it is true that we initially applied for an entertainment license through the City of Hampton when I was seeking to get my ABC (Virginia Department of Alcoholic Beverage Control) license, I also applied to get my entertainment license. It was so many things surrounding my ABC license and so many influences that we felt was impacting different workers from the City and from ABC, and police officers that I decided, this might not be a good time for me to get my entertainment license; I'm going through a much more difficult time trying to get my ABC license. So, out of fear, we decided, you know, let's do one thing at a time because conversations that I had with a City worker made me think twice about doing my entertainment license. It centered around email because when I had really finally got serious about submitting my entertainment license, I had gotten an email from a worker that said "I've been informed but it hasn't been reported to me that you guys have a noise violation." Now, we had this noise violation, supposedly bogus noise violation, back, I believe the date was December, let me get the right date, August 2015. This was like, probably a year later when I had this conversation with a City worker about this particular noise complaint. I said, "Well how did you get this information about this anonymous noise complaint?" Because when we got the anonymous noise complaint, we even asked the officer that came out, "What kind of complaint was this, who made the complaint?" and they told us that it was anonymous. It was so ridiculous that when the complaint supposedly came in, we had about six or seven police cars show up to the restaurant. It may have been about seven or eight people, after we had closed, it had been about seven or eight people standing at their cars talking to one another, discussing whatever they may have been discussing. We had this big array of police come, and we're trying to figure out how can you hear noise standing in front of this restaurant when the community is so far away that there's no way you can hear these few people talking while they're standing at their cars. Later on, we spoke to the Hampton police about this concern about why so many police officers showed up. They asked us if we wanted to file a complaint, we said we didn't want to file a complaint, we just simply wanted to bring to their attention that there was no way possible that it could have been this particular noise complaint.

Mr. Moore continued: I mention that because, during the time that we were seeking to get our ABC license, we're going through a challenge from the City from the Chief of Police about our entertainment license - I mean, excuse me, about our ABC license. Now, the challenge to me seemed pretty ridiculous and unfair. I had previously had a restaurant in Newport News, and in Newport News, I had the restaurant for approximately two plus, maybe two and a half years. Never had an ABC violation in none of the time that we had been there. Hadn't had any significant incidents whatsoever. But, of course, there was an incident in the parking lot that had nothing to do with Déjà Vu Restaurant and Lounge. Now, the incident that

happened, because I had eighteen cameras shooting my restaurant, you could tell that the folks that was involved in this incident hadn't come to my restaurant. They hadn't been in the restaurant. In fact, when the incident occurred, it was probably about 7:30, 7:40 in the evening, we didn't even know the incident was going on. It may have been about 14 people in the restaurant at the time. The incident occurred, it was a horrific incident. It was something that was pretty despicable, what went on. As a result of the incident, we got a lot of bad press. People assumed because the incident happened out in the parking lot that it had something to do with us. Well, if it would have had something to do with us, we would've got in trouble for it. We would have gotten some sort of reprimand. I'm sure I would've got some sort of violation from ABC, something to that effect. Well, any event, we - thank God for cameras. I'm sure the gentleman that flew on United Airway is saying thank God for the people who actually filmed what happened to him when he was dragged off the plane. Well, we don't want to be dragged out of business, but if we've got to be dragged out of business, then I'm sure we'll survive doing something else.

Mr. Moore continued: But, this is my concern. In Hampton, when I moved to Hampton, it took me two years to get an ABC - excuse me, it took me over a year to get an ABC license, in part because I was being opposed by the Chief of Police for something as simple as a traffic ticket and a so-called bogus bill that I owed from 2009. And I said that's not something that would stop you from getting an ABC license. Not only that, it was constant calls to City employees to come down to Déjà Vu to check us out. There was complaints about the bathrooms not working. When the City official came down, he seen that the bathrooms were working. We know where some of the complaints came from because the complaints came from some of the hearing that we had, or the information came from some of the hearings that we had that the agent wrote down that he later on the following date passed on to the City worker and said "go down there and check Déjà Vu and see if this is going on." So it was a pattern of that. So I definitely had some anxieties, some fears and concerns about whether or not I would be treated fairly, even if I attempted to try and get my entertainment license. So never, I don't think, in the history of getting your ABC license had we ever had somebody oppose for a traffic ticket. Not no DWI (Driving While Intoxicated) or reckless driving - traffic tickets and supposedly a bill that they owe from 2009.

Mr. Moore continued: Now, let me tell you a little bit about - before I even go on further to tell you about some of these concerns, and I'm going to also address what you've seen in the video presentation that they just gave you as well - I want to tell you a little bit about who I am, because I don't want you to think I'm some sort of menace to society. That somehow I encourage violence. That wouldn't make sense at my restaurant. I was appalled by that. In fact, when that incident happened in Newport News, we did a three-day event two or three weeks later, where we

addressed the community on things that we can do to try to stop some of the violence in our community. We also did a peace rally where we brought people in, we brought comedians in and celebrities in to come help us communicate with the community to give them something fun to do. Then we also gave away stuff at Christmas time to help the families. The incident happened back in December 2014, December 2, 2014 -

Mayor Tuck indicated that Mr. Moore had received ten minutes, and he would be given two additional minutes to wrap up his statements.

Mr. Moore continued: I've been heavily involved in my community for years. My record speaks for itself. You can go back and look at the work that I've done in the community. When the incident happened last year with the young man getting beat up at Buckroe Beach and it went viral, and the people getting shot in Bridgeport next door to where the restaurant is, a couple of other shooting incidents behind the restaurant, I reached out to those families and those communities, and I tried to do something about what was going on. We did a "Stop the Violence" rally in July. In August, we did an event to help support the community again, also to stop some of the violence that was going on. And it's a lot that's going on in the community. It's not the perfect community. My car has been broken into twice. I've lost a computer, I've lost all kinds of items out of my car. We've had things stolen, literally unbolted from the restaurant. You know, I've lost ladders and equipment, but we've always tried to address it. So we did a big community day, which we did for two years in that community. In November - in December, we gave away over 150 turkeys. We gave away stuff to help needy kids at Christmas time to promote family interaction. Also, in February, I worked with a young man that's here today that did a documentary on identity crisis to help educate young people about some of the concerns that they have in the community, and it really is a powerful documentary, and we held that at the restaurant. I don't know if that's considered entertainment, but guess what, we held that at the restaurant. We had planned on doing something in June with Frederick Douglass to educate the community on that historical event. Now, they showed you some videos and stuff up there on the screen saying that Déjà Vu has had all this live entertainment -

Mayor Tuck stated that Mr. Moore's time had expired and opened the floor to questions from Council.

Councilman Gray noted that Mr. Moore had claimed earlier that he had not seen the violation notifications during a previous conversation. He asked if Mr. Moore recalled receiving these notices. Mr. Moore responded that he did not, but his partner has brought to his attention that a notice was received. He contacted the staff who issued the violation and was informed that he needed to get an entertainment license. This

was when he started the application process.

Councilman Gray asked if Mr. Moore had ever read the violation notices. Mr. Moore stated that he did not. He believed the situation was resolved when he spoke with staff. Councilman Gray asked if this is when Mr. Moore first met with Ms. Ibikunle. Mr. Moore stated that he did not meet with Ms. Ibikunle until September 2016.

Councilman Gray stated that in their previous conversations, Mr. Moore had stated that he was unclear about what constituted live entertainment. He indicated that the violation notices were very specific and read the definition of live entertainment as stated on the letter. He asked if this information was explained in Mr. Moore's meeting with staff. Mr. Moore stated that they did share the information but he did not believe it applied to private events. He stated that he allowed people to use the restaurant for band practices when the restaurant is closed. Mr. Moore also indicated that he was not aware of the events that were being posted to social media. He stated that the restaurant is closed on Mondays, referencing the repeated event of "Mood Mondays."

Mr. Moore stated that when he completed the application for live entertainment, he was under the impression that he would be allowed to host live entertainment in January. This is why he had arranged for a comedy show. When he learned that he was not on the January agenda, he stated that Ms. Ibikunle indicated that he would not be on the agenda until March because the application had not been completed in time. He believed that if he had met all the requests made by staff, he could start hosting live entertainment. He changed the event from a comedy show to a "conversation" party. When Ms. Ibikunle contacted him about it and brought up the violation from December 2015, it was the first time he had heard about the violation. Mr. Moore stated that he tried to come up with creative ways to do things at the restaurant and he believed he was allowed to do private events. He noted that a social group has helped him promote the restaurant. He stated that his restaurant cannot survive without bringing in additional business.

Councilman Gray noted that included in the staff presentation, there was an event featuring Dallas "The Body" on March 18th with music by DJ Will. He asked if this was a private party or if it was open to the public, because it was an announcement on social media. Mr. Moore stated that DJ Will was not a DJ for the party, but using his entertainment name to attract people to attend. This was also the reason Dallas "The Body" was in attendance. He stated that music was played through the restaurant's audio/visual system.

Councilman Moffett asked if Mr. Moore had ever knowingly held live entertainment after he had been instructed not to do so. Mr. Moore stated that he had not. He

stated that after he had completed the application, he created a commercial that would be ready for when they had live entertainment. He was under the impression that once he completed the application, he would be approved and did not have to wait. While he had been told about the April 12th meeting date, he was not clear about what that meant. It became clear to him during the required community meetings. He stated that everything that has happened to Déjà Vu occurred after the March 2nd Planning Commission meeting. This is when the Health Department, the Fire Department, and the police began to come to the restaurant. There were two noise complaints even though he had not had noise complaints previously. He stated that he received an ABC violation because two of the stickers on his liquor bottles had fallen off. He stated that he was being oppressed.

Councilman Moffett stated that he supports businesses in the community, and he can understand and accept the explanation for the Newport News location, but he questioned Mr. Moore's activities in Hampton. He asked if Mr. Moore was aware of what people are posting on social media on behalf of the restaurant. Mr. Moore stated at first he was aware of it, then stated that he was not aware of it because he does not have social media. He stated that these items were not posted on the restaurant's social media, although he did post old pictures from the Newport News location to generate business at the Hampton location. Other people post memories of the Newport News location, not events that are currently happening, or post about events that have not occurred. He stated that the restaurant has hosted entertainment and has been involved with a social group to generate business and he was not aware of what they were posting online. He stated that he was applying for his license to host these events in the open. Mr. Moore described an issue he had with ABC over the bottle service his restaurant provides.

Councilman Moffett stated that he believes Mr. Moore is working hard on community outreach and entrepreneurship, but he wishes Mr. Moore had taken a different approach to this situation. There is evidence put before Council that Mr. Moore was advised not to host live entertainment, and then there are multiple incidents with photographic evidence of what appears to be live entertainment. It is difficult for him to get past that information. Mr. Moore stated that not everything posted on the internet is correct. He stated again that he has a social group that pushes the envelope to generate business for the restaurant. He stated that he has been involved in the community his whole life and he is not trying to violate rules. He indicated that the restaurant has been under pressure from the City, to include HPD posting an officer in front of the restaurant every day for three or four months. He stated that the restaurant closes early most days.

Mayor Tuck opened the Public Hearing.

Mr. Elijah Coles-Brown greeted those on the dais and made the following statement: I'm a thirteen-year-old national motivational speaker and entrepreneur. The name of my company is Dreamers Imagined, and the motto of my company is "Unlimited Possibilities When You Read, Dream, and Imagine." I am the president of the Nubian Village Chapter of the National Society of Black Engineers, which is the largest student-run organization in the world. I'm a 7th grade student at Moody Middle School in Henrico, Virginia and I'm also in the International Baccalaureate Program. I'm also an activist for social justice in my community and for other communities around the nation. I am here tonight to support Mr. Jay Moore of the Déjà Vu Restaurant and Lounge. Mr. Moore is a phenomenal community activist and business owner. Before I begin, I just want to share some of my achievements with you, such as having the honor to introduce the 44th President of the United States, President Barrack Obama, working for the Hillary Clinton Campaign, and being featured in a commercial for the Hillary Clinton and (Tim) Kaine Campaign. I was Skyped into and spoke at the Democratic National Convention in Philadelphia, and I've also spoken at Governor McAuliffe's Transportation Conference, and I've also spoken at the first annual VDOT (Virginia Department of Transportation) Career Fair here in Hampton, Virginia at the Convention Center in hopes of encouraging my peers about the importance of transportation and education. You see, Mr. Moore may be an adult, and I may be a child, but our love, passion, and commitment to better our communities, the nation, and this world are the same. Mr. Moore and the Déjà Vu Restaurant has given over \$50,000 in scholarships. They have fed the homeless, provided turkeys for Thanksgiving, gifts for children for Christmas, organized Stop the Violence rallies, to try to encourage young people that violence is never the answer. And they have also donated school supplies to those parents who may not be able to afford to provide their children with those much needed supplies. Those school supplies are what our hardworking teachers need. These are just a few of Mr. Moore's generous donations to the Hampton, Virginia community, and I am blessed and proud to have participated in a few of Mr. Moore's community service action events. As children, we are taught to be accountable for our actions, so I pray that no one takes it as a brag or a boast to list several of the merits that I or Mr. Moore have worked to attain over the years.

Mayor Tuck indicated that Mr. Coles-Brown's time had expired and asked him to conclude his statement.

Mr. Coles-Brown continued: Well, I just want to say that there are these big companies and corporations that go out and provide jobs and resources to communities around the nation, but despite being a small business owner, Mr. Moore has shown that he has a big heart, he is willing to make a big change, and he is willing to give back to the community of Hampton, Virginia. Thank you for your time.

Ms. Brenda Coles greeted those on the dais and made the following statement: Thank you for allowing me to speak this evening. I am a single mother of Elijah Coles-Brown. I lived here in the Hampton Roads area for many years, and Elijah's actually born from this area as well, so he lived here for a very short time of his life before we actually moved to Richmond, Virginia. This is actually home to me, and doing any work, I've done much of my community service work here in the community. I am a community service activist and also a civil rights activist. I am always happy to come back here. I'm here tonight, as well, to support Mr. Jay Moore and Déjà Vu Restaurant for his tireless work that he does for the community. Actions speak louder than words, and one thing I do know about Mr. Moore is that his actions have spoken much louder than words. I have sat here tonight and I've heard what has transpired. It is very unfortunate. Sometimes we do - can misunderstand, especially when it comes to paperwork and being able to read a document. That is not always easy to understand. I certainly hope that we certainly give pause before jumping to conclusions to say what is going on or what is not going on in any one establishment. I have a thirteen-year-old that owns his own company and the work that he's doing for, not just the community in which he lives, but throughout the nation and this world is unnatural, and that's what I've also seen in the work in the years that I've known Jay Moore as well. As City Councilmembers, you all know better than anyone that this world and your communities need TLC (tender loving care), and that's what Jay Moore offers. And Lord knows, I'm just proud to say that I know him. You're going to find it very hard to find compassionate people that's shown the love that he shows in his community. So I certainly hope that you find it in your heart to find that this license is deserved. Now my son passed out to you the Frederick Douglass piece that actually Jay, after Jay and I spoke, he thought he was going to have his license as well, because he had told me and was very, very excited about it, so we actually set up a Juneteenth event for Frederick Douglass. Elijah is starring in Frederick Douglass. This is a very historical piece during Juneteenth, Freedom Day. I'm certainly hoping that we'll be able - because as I listen, a part of your guidelines is - this is a play, this is a stage production, and a part of your guidelines is that it will not apply. So I certainly hope he does not stop that, the educational piece. Thank you.

Ms. Erika Bowman greeted those on the dais and made the following statement: I've known Mr. Jeffrey Moore going on twelve years now. I'm a former employee, a former scholarship recipient and also currently one of his tenants. I know he has been working very hard to get this entertainment license. I would like to believe that with documentation and things of that nature, that he believed that he was okay to do certain events or whatnot. Like everyone has said so far, he is a man of the community, so whether its family, friends, anyone that is friends that turn into family, he is all about the community. I'm just hoping that with everything that has been said

thus far and that has been presented, that he will be able to get his entertainment license.

Mr. Tristan Jackson greeted those on the dais and made the following statement: I'm the director that he had spoke about earlier. I contacted Mr. Jay Moore a couple months ago. Let me start by telling you, I'm the Director of the FAM Project, the Future Actors and Moviemakers, myself and my brother, my family, we own - my family has a couple art galleries in the Hampton area, Asa Jackson and my brother do the Contemporary Arts Network (CAN). We had the CAN Festival out here. The nonprofit that we have, the FAM Project, we work with teenagers, teach them how - it stands for Future Actors and Moviemakers - we teach them how to shoot and edit and direct films. So we came out with a documentary called "Did Anybody Ask Us?" and it was the kids talking about the issues that they're having in the community. Us trying to show - have a place to do a screening, I reached out to a bunch of different venues and it was hard to even find any place to show our film for under \$400 or \$500. I reached out to Jay because I know he's involved in the community and he allowed me and my brother, Asa, to come in here and hold panel discussions and also screenings for our, for my documentary. It was a fun, safe, clean environment, and the meetings that we've had there have been very productive, so I'm hoping that you guys will vote to let the entertainment license go through so we can continue. I look forward to having more films being shown at Déjà Vu. Thank you all.

Ms. Charlene Moore greeted those on the dais and made the following statement: My sole purpose is to be here to express what I feel about what Jeff Moore does in the community. I work solely with youth ages five to nineteen and ever since I've been working with him, he has provided venues for them to earn scholarships, to travel to national competitions to represent Hampton, Virginia, and without him those things wouldn't be possible, and I do know that his restaurant is a way of continuing to help with those causes. I'm here to support him and I hope that you will see your way to granting the entertainment license. Thank you.

Pastor Wayne Harrison greeted those on the dais and made the following statement: Pastor for 37 years from one end of the State of Virginia to the other. Moved back here in '98, lived in Hampton for a while, and because taxes were so high, I moved to Poquoson. The truth is the truth. I also listed the address that I work at in which the City has everything destroyed in front of it right now at 1310 Todds Lane, doing improvements there. I worked for Mr. Moore part-time for eight years and during that eight years, I found him to be a reputable person. He was fair, he was courteous, he was a hands-on person, and when Compliance came around, he never sweated. He looked at it, he got his employees involved because we had that Medicaid group that would be coming in to get us to comply with everything that needed to be complied on. And I think it would be interesting for, as City Council, to look back and see if there were violations there. The other thing that occurred to me was your City



employee didn't reveal who it was that actually made comment at that Public Hearing that they did not hear. I believe, and I think you ought to ask her, if there was an affiliation with the Hampton Police Department, and how those lines cross and come into sequence with one another. I don't know that for a fact, but I think that's a fair question for you as City Council to ask, to see where all of the lines and all those connections are. The other thing that occurred to me is if I wanted to hold a wedding, but by the definition of your entertainment license, at Déjà Vu, I wouldn't be able to. I don't think you would interfere with a wedding or anything that happened with it under those premises. My time is up, but I can vouch for how honest and how compliant Mr. Moore has been in my experiences with him as a QMHP (qualified mental health professional). Thank you.

Mr. Wayne Johnson greeted those on the dais and made the following statement: Avid supporter of Mr. Jay Moore over there. Met him years ago. We were working in the same mental health field, which kind of translated over to just doing other stuff in the community. And so when he wanted to start a restaurant, I agreed to help him out. I was there at the incident they talked about in Newport News, the shooting. I guess I don't think he really clarified that we had nothing to do - we had 18 cameras in and around the building, we helped the police department solve and answer any questions because we had video footage to show that we were not involved. But because the media ran with it, people believed it instead of looking at the videos. Over at the new spot, I believe there's eleven cameras and stuff, as well - he's trying to generate business for the restaurant. Now when the inspectors came and the police sat out there every day for about two months, and they come through, they see no live entertainment because there's no live entertainment. I asked Ms. Tolu (Ibikunle) myself when she came in for the community meeting, could we play our own music. She said yes. So we play our own music, and we're trying to generate - the pictures that she showed? April 6th, we was having a meeting, a meeting about preparing for this Council meeting and we're on our last leg, Planning Commission has approved us, when Ms. Tolu called during the meeting and stated that she has changed her mind, that she would not support us. When we asked why, she emailed us the photos and said that the business license hadn't been paid - which has been paid now - the pictures clearly state in the background it was a birthday party. We promote the selling of bottles, so they had service in the pictures. There's no pictures of live entertainment. There's no pictures of a band. There's none of that. Every time an inspector comes in, there's no live entertainment. Every time the police come in, there's no live entertainment. Do we play our music and do that music be loud sometimes? Yes. I was involved when we first opened up in Hampton, and six, seven police cars came in saying they got a noise complaint. I said we've been closed for twenty minutes, and there was some people in the parking lot. The Sergeant got, I felt, real rude, hurt my feelings. You know, I got a little sarcastic, you know, and I went back in and I called the Community Relations Office because I

wanted to prove to the community - everybody kept saying "do you want to file a complaint?" No, I want to have a good relationship. They don't know Déjà Vu because they keep bringing up this shooting in Newport News and we keep proving that we had nothing to do with it. So, I met with the Lieutenant, I met with the Captain, I met with the Major. We had a meeting to meet with the Police Chief and we were bringing the ABC worker with us to tell them we had no violations, they had no problems with us, we do good business. Is that time? Just wrapping up is, it was no violations, it was no live entertainment, nobody can put it on there. Those pictures don't show you any live entertainment anyway. Thank you.

Mr. Bob Thomas greeted those on the dais and made the following statement: I'm a resident of Hampton, Virginia. Been here, born and raised right here in this area. I'm also a local air personality, radio, TV - as a matter of fact, I'm supposed to be on the air right now, but I felt that this was a little more important. I'm here to support Mr. Jeff Moore, and I'm here to speak about him so far as his community involvement, because that's what I'm all about. Those turkeys that he talks about? He gets them basically from me and the FEED program. FEED, of course, is an acronym for Feed Everyone Every Day. Mr. Moore has always supported me and my endeavors of trying to feed folks. He does the thing with the turkeys now. I give him some turkeys, but I don't give him all of the turkeys. So he takes those turkeys and - was it last Christmas? Or the Christmas before last? He had a party. He had kids in there. This is at Déjà Vu. Now, it wasn't a party so far as live entertainment is concerned, unless you consider Santa Claus live entertainment. But he was doing that for the kids. He gives them board games, and his reasoning for giving them the board games, I thought was monumental because he said it promotes family interaction. So I'm here to speak, basically - I don't know about this entertainment thing, even though I've been in entertainment for 37 years. He is a good man. He's got a good heart. And he wants to do good things in the community. In order to do that, he's got to have a platform. His platform is Déjà Vu. My platform is 95.7 R&B. So he needs Déjà Vu in order to grow, and we need it because he, I, as well as James Perry, Chik-Fil-A on Mercury Boulevard, we've all gotten together. We know that there are things going on in Newport News, but we want to bring those same things to Hampton, so far as community involvement. City Councilwoman Sharon Scott in Newport News does a huge thing where she gives away bikes, turkeys, nonperishable food items, scholarships. We want to do that in Hampton, but we've got to have a base. Déjà Vu can be that base, if it's allowed to do what it's intended to do. Thank you.

Ms. Edna Davis greeted those on the dais and made the following statement: I'm here to support Mr. Moore. And not like everybody else, I haven't known Mr. Moore that long, but I am a person that's a former teacher in Hampton City Schools - retired last year - and I just don't see many people in our community, especially

have a Déjà Vu, have a restaurant doing the things that he does. Just the short time I've known him, about a year and a half now, I've been a part of those activities, the activities with the youth, the activities with the families, and people are coming for feeding. But also in his restaurant, he holds meetings for people that are interested in marketing their businesses, as far as what they can do for the community and how the community can come together and help. So my thing is, from hearing so much information I did not know tonight, I do - I feel that someone is, has something against him. Because of the things are just so bogus it does not make any sense to even bring up, and he's also still living with what happened at a restaurant from what, three or four years ago. And it's everybody but - the public does not know his restaurant is not involved, but now we know, and he's still paying for that. So my thing is, I just hope he gets fair treatment of what he's doing in the community, the Hampton community now, not what happened four years ago that was not his fault. That we really consider about helping men like Mr. Moore and helping Mr. Moore continue to do the work that gosh, I want everybody to do. As a mother, to have my son, to have a role model like him, is an answer to a person's prayer, and he would see that people are doing positive things in every aspect in every business. Thank you.

Ms. Jackie Barrett greeted those on the dais and made the following statement: I am born and raised right here in Hampton, truly as I say, a home-girl. I'm here to support Jay and the Déjà Vu. Our passions are the same, and that is community outreach. I have not met a person who has such a heart for community outreach, and using Déjà Vu as the vehicle for that. Being that it's situated in a neighborhood where I used to live, in Cary Brooke, the neighborhood, the apartments that are behind that, I know that the children in that area have been very much blessed by the services Déjà Vu has provided, and birthday parties, the giving out of turkeys, the school supplies, the board games, and yes, I was a part of that. If that's called live entertainment because they're there and the music is playing, then yes, I guess we do have a misconception of what live entertainment is all about. One other thing that he does do, this is very important, is that we have a - and I'm involved with this - a network for businesses. We have business meetings at Déjà Vu, and if that's considered live entertainment - whatever it is that we need to do to make sure that we're all on one accord to bring the community outreach to that neighborhood - that is a dying shopping center. And Déjà Vu is actually bringing life back to that community. You have children now who can come over and they can have activities at the restaurant. Whatever happened back in Newport News or whatever you see on Facebook, you know how Facebook is - anything can be put on Facebook and misconstrued, so that's something I don't think we can even put any stock in for that - but I would think that you, and I ask that you would consider what this community needs. We need more people like Jay Moore and we need more vehicles where we can use restaurants to be able to do more for the community. Thank you.

Ms. Melonie Fluet greeted those on the dais and made the following statement: I have lived in that neighborhood five blocks from where I grew up my entire life, which has only been thirty years. I am not opposed to Mr. Moore or his establishment. I am opposed to live entertainment. The reason I am opposed to live entertainment right now, he's doing good in the community, he closes at 11:00, we don't have traffic issues in the middle of the night. Once it becomes a live entertainment source, he wants to be open until 2:00am, like Tolu (Ibikunle) showed, we are right - they are right in the middle of a residential area. He is surrounded by homes. Surrounded. I don't think it's a good fit for our neighborhood. Next to us is - we have children in the neighborhood. I know as a teenager, if I heard live music, I'm not going to lie, I'd be sneaking over there to see what was going on in the middle of the night. I just don't feel it's a good fit for the entertainment and the area. Thank you.

Ms. Cathy Clark greeted those on the dais and made the following statement: I have also been a Hampton resident and a Fox Hill resident for 50-some years. I've watched this neighborhood go downhill. And what scares me the most about that whole parking lot there is that it is so unsafe. I won't even go there anymore because I don't feel safe. You watch drug deals in the parking lot, there's break-ins, there's shooting in the neighborhood - not Déjà Vu, actually, I've had compliments about Déjà Vu. My husband's had takeout there and has told me the food is awesome. I've never had anything bad to say about Déjà Vu, and what I hear about what he's doing for the community is awesome. I'm in the Hampton Moose Club, I help, too, we can work together, alright? But I do not want live entertainment there. The traffic on Fox Hill and Nickerson - when you have live entertainment, you bring more of a crowd. It's already a nightmare trying to get in and off of Fox Hill Road, and Nickerson, the crime is horrible. Live entertainment is a very bad idea for that neighborhood.

Mr. Andre Wiggins greeted those on the dais and made the following statement: I also live in the same neighborhood where Déjà Vu is at, and I also own a business, a hair salon, in the same shopping center right next to Déjà Vu. I've been there for 25 years. One thing I have noticed since Déjà Vu has come - one thing I do want to make clear, I don't know Jay. I do know him now because he comes to my barbershop as a customer, but I don't know him as a friend and I'm not here to support him as family or friend. I am here to support Déjà Vu because it is a valuable source, he has a good business, and he's bringing business to that community. Like I said, I have a business out there, I've been there for 25 years, and I've noticed since he's been there, more businesses came into the shopping center. And the shopping center has been going down. We do have a lot of vacancies there, and he has brought back a lot of businesses since he's been open, we have had a new tenant come to the shopping center. I know how important it is

for their entertainment license to keep his business going, because I know he's slow as a restaurant, and he needs that entertainment license to keep that business going. I see that he has had some violations and I'm sure the violations that he has had were so that he could keep his doors open so that he could continue to do some of the good things that he's doing. So I would just like to ask you all to not overlook his violations, but take in consideration that he has done a lot of good for that shopping center. The community is not bad. I live there myself. I can walk to his place from my home, and it's a nice community. We do live in a nice community. Fox Hill is still a nice community, although we have had some apartments come in, and that particular part of the community may have brought down property values with Section 8 and things of that nature, but not Déjà Vu, not the businesses in that community. And also, I want to ask the City Council, once you grant an entertainment license, can you take it away? Can the entertainment license be taken away?

Mayor Tuck stated that he did not want to interrupt Mr. Wiggins' time, but confirmed that the permit could be revoked.

Mr. Wiggins continued: Okay, I'd just like to close by saying, if that is true, then I see no reason not to grant it, and if there was violations after the permit is granted, if there was noise problems after you granted it, then there should be no problem taking his entertainment license after that. But I think we should at least try to give him a chance because he has done a lot of good for the community

As there were no additional speakers, Mayor Tuck closed the Public Hearing and opened the floor for questions from Council.

Councilwoman Snead asked Mr. Moore what types of live entertainment he would host if he was granted a Use Permit. Mr. Moore stated that he would like to have historical plays, dinner theater, live jazz bands, graduation parties, and other family-friendly events. He stated that he would also like to host events that attract adults, and host band practices on days the restaurant is closed. He again mentioned the incident in Newport News, and stated that he does not want negative activities at his restaurant. He stated that vacant stores affect property values. He currently brings speakers in for workshops on businesses. He stated that other locations in that area have live entertainment licenses, so he does not know why there are concerns.

Councilwoman Snead asked what kind of live entertainment events would be hosted between the hours of 12:00am and 2:00am. Mr. Moore stated that these would be live bands, fight parties, Super Bowl parties, and karaoke. Councilwoman Snead stated that she is concerned about some of the unflattering images shared from what

Mr. Moore considered private parties.

Councilwoman Snead asked what type of security is in place, as other restaurants with live entertainment permits have security at the door. Mr. Moore stated that there have been no incidents in the two and a half years they have been at this location. He stated that the noise complaints did not begin until after March 2nd. He shared that when events are hosted at the restaurant that have over a certain number of attendees, they bring in security. He reiterated that the Newport News incident did not involve his restaurant.

Councilman Moffett asked the City Attorney to provide the definition of live entertainment. City Attorney Vanessa Valldejuli referred the matter to Ms. Bonnie Brown, Senior Assistant City Attorney, who represents Community Development. Ms. Brown read the definition of live entertainment for the record:

*Any artistic, musical or theatrical performance, including but not limited to, karaoke, open-microphone, live vocal or instrumental music, recorded music with a disc jockey (DJ), play, stand-up comedy, dance act, magic, poetry reading, reenactment, cabaret, or any combination thereof, performed by one (1) or more persons, whether or not they are compensated for the performance, in a privately owned premises that is open to the public, whether or not admission is charged.*

Councilman Moffett stated that staff has presented evidence to Council that there have been occasions where live entertainment occurred. He asked how soon Mr. Moore would be able to reapply for a Use Permit if the application is denied tonight. Ms. Valldejuli stated that Mr. Moore would be eligible to reapply in one year. Councilman Moffett asked if Mr. Moore would be able to reapply for a Use Permit in three or six months if he chose to withdraw his application tonight. Ms. Valldejuli confirmed this.

Councilman Moffett stated that Council cannot set the precedent of allowing restaurants to have these sorts of discrepancies and obtain a live entertainment permit without addressing them. He iterated that he cannot advise Mr. Moore, but he would ask him to consider a withdrawal of the application to address some of the discrepancies presented to Council. He does not know what the financial implications of waiting a year to reapply would be for the restaurant. Ms. Valldejuli stated that a withdrawal would need to take place prior to the vote by Council.

Mr. Moore requested to withdraw his application for a live entertainment Use Permit.

Mayor Tuck asked if Council would need to vote. Ms. Valldejuli stated that Council would need to vote on whether or not they will accept the withdrawal.

Presented by Tolu Ibikunle, City Planner and Phil Russell, Property Maintenance Division Manager. The applicant, Jeffery Moore, presented. There were thirteen (13) speakers present for the Public Hearing with the majority expressing support for Mr. Moore. Following the public hearing, some members of Council had additional questions for the applicant.

The applicant, Jeffery Moore, indicated he desired to withdraw his request for live entertainment.

A motion was made by Councilmember Moffett and seconded by Councilmember Snead, that the applicant be permitted to withdraw his application for a use permit. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Ms. Valldejuli stated that since Mr. Moore has withdrawn his application, he will need to begin the application process again, to include appearing before the Planning Commission.

Mr. Moore asked when he would be able to resubmit his application. Ms. Valldejuli stated that she cannot advise him as to when he should reapply, but believes Council would like to see that he can comply with the law. This means that Mr. Moore cannot have any live entertainment events at all. Councilwoman Snead stated that if Mr. Moore was in doubt, he can call staff and ask if something qualifies as live entertainment. Council would like to see his restaurant succeed.

Mayor Tuck stated that Mr. Moore had noted he had tried to be creative to encourage business, but this has been part of the problem. In having what Mr. Moore has perceived to be private events, and they are publically inviting people to come, violates the provision in the code as live entertainment. If someone is going to rent the restaurant, they cannot advertise to bring in additional attendees. He emphasized that Mr. Moore needs to call staff if he has any concerns about what is and is not allowed.

Ms. Bunting stated that staff is always happy to help any applicant that feels there is a lack of clarity. The City is required to enforce any Ordinance that is in place, so if live entertainment is not permitted, it cannot take place. Staff is willing to work with

any business owner to be a partner in their success.

Following the vote on Agenda Item #6, Councilwoman Schmidt left the meeting.

## Resolutions

7. [17-0141](#) Resolution Authorizing the Execution of a Use Agreement Among the City of Hampton, Y. H. Thomas Community Center, Incorporated and Girls Incorporated of the Greater Peninsula to Use Rooms "B" and "C", Restroom Facilities and Corridor Totaling ±4051 sq. ft. of the Y.H. Thomas School Building at 1300 Thomas Street, LRSN: 8000281

Attachments: [2017 Use Agreement](#)

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Resolution be deferred to the City Council Legislative Session, due back on 4/26/2017. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett and Mayor Tuck

**Absent:** 1 - Councilmember Schmidt

8. [17-0138](#) Resolution Authorizing the Execution of a Use Agreement Among the City of Hampton, Y. H. Thomas Community Center, Incorporated and the Urban League of Hampton Roads, Inc. to Use Room "E", Restroom Facilities and Corridor Totaling ±1653 sq.ft. of the Y.H. Thomas School Building at 1300 Thomas Street, LRSN:8000281

Attachments: [2017 Use Agreement](#)

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Resolution be deferred to the City Council Legislative Session, due back on 4/26/2017. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett and Mayor Tuck

**Absent:** 1 - Councilmember Schmidt



9. [17-0139](#) Resolution Authorizing the Execution of a Use Agreement Among the City of Hampton, Y. H. Thomas Community Center, Incorporated and Big Brothers Big Sisters of Greater Virginia Peninsula to use Computer Office "2", Restroom Facilities and Corridor Totaling ±1653 sq.ft. of the Y.H. Thomas School Building at 1300 Thomas Street, LRSN:8000281

Attachments: [2017 Use Agreement](#)

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Resolution be deferred to the City Council Legislative Session, due back on 4/26/2017. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett and Mayor Tuck

**Absent:** 1 - Councilmember Schmidt

10. [17-0140](#) Resolution Authorizing the Execution of a Lease Between the City of Hampton and Peninsula Metropolitan YMCA, Inc. d/b/a The First Tee of Virginia Peninsula for Nonexclusive Use of the Concession and Seating Areas, Restrooms, Clubhouse, Practice Putting Green, Driving Range, and Golf Course at the Hamptons Golf Course at 320 Butler Farm Road to Operate its First Tee Program, Offered Through the Peninsula Metropolitan YMCA

Attachments: [Lease](#)

Ms. Bunting gave a summary of the Resolution Agreement to Council.

Mayor Tuck opened the Public Hearing. As there were no speakers, Mayor Tuck closed the Public Hearing.

Councilman Hobbs stated that he needed to abstain from the vote. His son is on the Board of Directors of First Tee and his daughter is a volunteer instructor.

Presented by Mary Bunting. There were no speakers present for the Public Hearing.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this Resolution be approved. The

motion carried by the following vote:

**Aye:** 5 - Vice Mayor Curtis, Councilmember Gray, Councilmember Snead, Councilmember Moffett and Mayor Tuck

**Absent:** 1 - Councilmember Schmidt

**Abstained:** 1 - Councilmember Hobbs

## **PUBLIC COMMENT**

Ms. Glass read the protocol for Public Comment.

Pastor Wayne Harrison greeted those on the dais and made the following statement: I challenge each of you, as Councilmembers, to take a trip to the corner of Mercury Boulevard and LaSalle Avenue. Then I want you to take that cloverleaf, not just one, but the second, the third one, and the fourth one, and tell me if that's the most beautiful area that you've ever seen in Hampton. I have called consistently since 1998 to say that it is so overgrown that you can't even see the street signs that are there to warn you about yielding traffic and all of the other signs that are there. And then after I complained, about two months later, it finally gets cleaned up. Thankfully, about a month ago, it got cleaned up again. But since I was at City Council tonight, I wanted to call your attention to it because if you take the exit from LaSalle Avenue to go down to Mercury Boulevard, headed out towards Fort Monroe, I don't know if that's east, west, south or north, you will discover that if that area were cleaned up right there, it would be a fabulous advertisement for the Air Park. Right now, it is dirty, it is overgrown, and you can't see it. If it were cleaned up, you'd be able to see all the way over to the creek, a beautiful area, and a great advertisement for the Air Park. So I encourage you, take the trip, then do something about it.

Mayor Tuck asked for and received clarification on the location referenced by Pastor Harrison.

Mayor Tuck called on Mr. John Krulis, who was no longer present in Chambers.

## **GENERAL ITEMS**

### **Ordinances**

### **Resolutions**

### **Appointments**

11. [17-0128](#) Consideration of appointments to Transportation District Commission of Hampton Roads

A motion was made by Vice Mayor Curtis that Brian DeProfio, Budget & Strategic Initiatives Director, be appointed as the City's Alternate, in place of Councilman Billy Hobbs.

The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett and Mayor Tuck

**Absent:** 1 - Councilmember Schmidt

## **REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

### **MISCELLANEOUS NEW BUSINESS**

Mayor Tuck stated that April is Child Abuse Prevention Month. He hoped that citizens will become more aware of the senseless violence and abuse of children, and report it as necessary.

Vice Mayor Curtis announced that the International Children's Festival will be held in Downtown Hampton on Saturday, April 15th.

Vice Mayor Curtis thanked Mission BBQ, who recently raised money to provide a new ice machine for the HPD K-9s.

### **ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_