



# City of Hampton

22 Lincoln Street  
Hampton, VA 23669  
www.hampton.gov

## Council Approved Minutes - Final City Council Work Session

*Mayor Donnie R. Tuck*  
*Vice Mayor Jimmy Gray*  
*Councilmember Chris L. Bowman*  
*Councilmember Eleanor Weston Brown*  
*Councilmember Steven L. Brown*  
*Councilmember Billy Hobbs*  
*Councilmember Chris Snead*

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

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**Wednesday, August 11, 2021**

**1:00 PM**

**Council Chambers**

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### CALL TO ORDER

Mayor Tuck called the meeting to order at 1 p.m. with all members of the City Council present.

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

### DONNIE R. TUCK PRESIDED

### AGENDA

1. [21-0230](#) Overview of the Interstate 64 Ramp Metering Program at North Mallory Street and Settlers Landing Road

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

City Manager Mary Bunting reminded everyone that the gridlock problem on some of the City's side streets is expected to worsen with the upcoming construction projects. She then introduced Hampton Roads District Engineer with the Virginia Department of Transportation (VDOT), Chris Hall, to speak about the proposal for potential ramp closures at Mallory Street and Settlers Landing Road and noted that Mr. Hall would also speak about some additional things that the City may be able to do to help the community during this time.

Mr. Hall greeted those on the dais, thanked Council for the opportunity to speak and said that he would speak about the work that VDOT and City staff have done on the timed closures of the Mallory Street and the Settlers Landing Road east-bound

ramps. He clarified that this relates to one of four ramps which will create a closure of a three hour period of the east-bound ramp on I-64.

Mr. Hall complimented both City staff and VDOT staff for their work to determine a reasonable solution to this problem. He also reviewed the agenda for the slide presentation and said that he would share where we are in the process, and the path and proposed timeline moving forward.

The next slide of the presentation that Mr. Hall shared provided some information about the Hampton Roads Bridge Tunnel (HRBT) traffic volumes, congestion, capacity and expansion timeline; the Hampton Roads Express Lane Network (HRELN); and the effort made by VDOT and the City to develop solutions to mitigate impacts to the interstate and City arterial network as a result of increased traffic conditions. He noted that City staff and VDOT have worked together to put these solutions in place in advance of the planned construction.

Mr. Hall reviewed the next slide of the presentation which provided the purpose and proposal for the ramp closure. The closure will enhance flow of traffic on I-64 east-bound during peak evening traffic hours and will mitigate traffic impacts to downtown Hampton and Phoebus by eliminating options for cut through traffic. The proposal includes having remote controlled gates with law enforcement support; recommending closures for the evening peak period between 3:00 pm to 6:00 pm, 7 days a week; having a robust communication campaign and signage to alert drivers; and ensuring that the closures will be removed after completion of the HRELN and HRBT expansion projects. Mr. Hall reiterated that these temporary solutions to mitigate congestion during construction would be eliminated following the completion of the HRELN and HRBT projects and the Federal Highway Administration (FHWA) has been made aware of that.

Mr. Hall spoke about the ongoing coordination to work through the solution including HRBT expansion project concurrence; VDOT central office concurrence; stakeholder meetings to secure buy-in on the plan (first responders, Hampton University and the VA Hospital); Hampton City Council resolution to endorse the plan; obtain FHWA approval; and the Memorandum of Agreement between VDOT and the City of Hampton.

Mr. Hall paused to share that a very productive meeting took place last week with the Mayor and other City leadership about cost sharing moving forward. This will clearly be spelled out in any resolution scheduled to come before Council.

Mr. Hall reviewed the timeline of events for the remainder of the process. Currently, ongoing coordination is taking place; implementation will begin following FHWA

approval; and the gates will be ready for operation in late January or early February of 2022, assuming FHWA approval in late September.

Mr. Hall opened the floor for questions and discussion.

Mayor Tuck thanked Mr. Hall for taking time out of his schedule to present this information and then provided the following background information related to how the City has attempted to resolve this problem. For more than three years, the City has attempted to deal with this traffic issue, first by putting bollards in place to segment the traffic; however, this was not successful because traffic coming through town either entered the outside lane or used the inside lane and moved over quickly for access to the interstate. This created backups near the shopping center by Hampton University. The City installed the bollards to indicate the flow of traffic to drivers, however, that did not eliminate traffic concerns in Phoebus. In 2019, left turns onto Mallory Street were prohibited between the hours of 2:00-6:00 pm and right turns on Libby Street were prohibited between 2:00-6:00 pm in an attempt to eliminate cut through; however, enforcement challenges were present as a result of lack of manpower. Some stakeholders misunderstood how the City attempted to correct the problem while others would like to leave things the way they are. This suggests that for seven years, the City will be required to deal with an unsustainable problem which is impacting businesses and residents in Phoebus, City employees and others who work and live downtown.

Mayor Tuck continued saying that outside of some radical things that could be proposed, this seems to work and will have the least negative impact. He emphasized that while there will be some impact to the VA and others, it is important for Council and the public to understand that the City has tried to resolve this ongoing problem, but has not determined an effective solution and cannot continue in this manner for four more years.

Mayor Tuck opened the floor for additional questions and comments from Council.

Councilman Brown thanked Mr. Hall for the presentation and said that Hampton University appears to be on board and the VA may also be on board now that there is better understanding of the project. He also asked whether discussions have taken place with residents and other community stakeholders who may be affected by this change.

Mr. Hall stated that those conversations have not taken place.

Mayor Tuck said that some conversations have taken place with the Downtown Hampton Development Partnership and the Phoebus Partnership. Some individuals

downtown have also complained about not being able to circulate or get out of their housing area.

Councilman Brown asked if this project will commence once the express lanes are complete.

Mr. Hall clarified that all of the automatic gates will be removed by the end of 2025.

For clarification purposes, Vice Mayor Gray said that the closure is only going to affect the east-bound lanes getting on Settlers Landing Road and Mallory Street, but will not affect traffic other than what is affected by construction on the Mallory Street over pass and once that is completed, that road will still be open and not affect through traffic.

Mr. Hall confirmed that Vice Mayor Gray's comments were correct and added that the only closure is the access to the east-bound ramp at Mallory Street and Settlers Landing Road.

In response to Vice Mayor Gray, Mr. Hall also confirmed that the alternate route for those who live or work downtown would be to enter the interstate at LaSalle Avenue or Mercury Boulevard.

Vice Mayor Gray spoke about additional impacts for consideration including how this change will impact downtown, Hampton University and VA Hospital employees' work commutes. He also asked Ms. Bunting to address the light at Emancipation Drive (which changes too quickly) and whether that is a VDOT light or a City engineering issue.

Ms. Bunting explained that when the City sets lights, it is required to consider the different directions of traffic which should take priority. She also said that rather than discussing that issue in detail during the meeting, she will discuss this with Public Works Director, Jason Mitchell, have staff complete an investigation and return to Council with a full report.

Ms. Bunting shared that while we cannot speak for Hampton University or the VA, it is not uncommon (in areas of high traffic) for employers to consider varying work schedules. For example, employers in the Washington, D.C. area often adjust schedules due to traffic concerns. She emphasized that the proposal for the timeframe of 3:00-6:00 pm, seven days a week, allows for predictability and would be the only hours of impact. She reminded everyone that this will not prevent exit altogether; and instead, it means that some people may need to take a different route or get on the west-bound ramp.

Ms. Bunting asked everyone to consider the totality of how many people are negatively impacted versus how many people might be inconvenienced if they cannot flex their schedule. She noted that some misunderstandings have been reported about how things will work, but have quickly been cleared up.

In response to Vice Mayor Gray, Ms. Bunting clarified that all general items that do not require a public hearing and are not of consent nature are heard after the public comment period, and therefore, citizens will have an opportunity to speak about this during the public comment period at the next meeting prior to the resolution item on the agenda. She noted that citizens also have the opportunity to email or call the City to voice their opinions which will be taken into account.

Councilwoman Brown thanked Mr. Hall for the presentation and for his collaboration and diligence in helping Hampton solve this problem. She also gave remarks stating that there will be ample time for citizens to become informed about the closures and make adjustments to their schedules; these changes will be well publicized; the City is aware of potential backups around LaSalle Avenue; with this plan, there will be less people waiting to get on the interstate if people are already staying on the highway; citizens have indicated that it is difficult to travel in many parts of town, including downtown and Phoebus; and this will be an improvement.

Councilwoman Brown apologized to the citizens for the inconvenience and said that in her opinion, this will be a safer situation considering the current amount of traffic on residential and small City streets. She noted that she looks forward to additional briefings and details about this project.

In response to Councilman Bowman, Mr. Hall clarified that drivers coming from the VA traveling toward Phoebus, will be able to make a right hand turn on that ramp to go east-bound on I-64. The Mallory ramp is the ramp being proposed to close during those hours, but not the one coming directly off of I-64. In addition, drivers heading toward the tunnel east-bound toward the Southside, would still have access to get off I-64 onto Mallory and turn left or right. The Settlers Landing ramp goes around to the Emancipation Oak location and enters east-bound traffic.

In response to Councilman Bowman, Mr. Hall confirmed that this gate will be similar to the one at Ocean View. He also clarified that the gates will be remotely operated from the HRBT traffic control method, also similar to the Ocean View Gate. Police, fire and emergencies have been taken into consideration in the operational plan and as a secondary measure, there is also a procedure to call the operation center to open the gate in case of an emergency.

Councilman Bowman thanked Mr. Hall for the report and for communicating with the Partnership for New Phoebus and other groups about this matter. He also suggested that the Buckroe Improvement League be included in these conversations.

Councilwoman Brown asked if the announcement of the timing of the closures will be on the VDOT computer generated signs that drivers see in advance as they near the tunnel. Mr. Hall replied yes and added that it will be similar to the signage in place on the Southside. Mr. Hall also confirmed that traffic applications (apps) will also show this information.

During the meeting, Mayor Tuck indicated that the traffic could be seen backing up as a result of the concern being discussed. He also reminded everyone that there are plans for additional housing to be built downtown which will house approximately 5,000 residents and suggested that it needs to be determined if what is best for the citizens and residents who will be impacted by this is the priority or if being concerned with inconveniencing those who use Hampton as a pass through is the priority.

Mayor Tuck concluded his comments by reminding everyone that I-664 is another option and reiterating that it needs to be determined if we will do what is best for our citizens or be concerned with inconveniencing those who use our City as a pass through.

Mayor Tuck opened the floor for additional questions and comments. None were posed.

2. [21-0222](#) Briefing on Zoning Ordinance Amendment Pertaining to Parking Vehicles on Unimproved Surfaces in Residential Areas

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

Ms. Bunting reminded everyone that this zoning ordinance amendment was postponed due to the public's desire for additional time to understand it and engage with Council and their neighbors about it; therefore, Council directed staff to postpone the work until the community began to reopen from the COVID shutdown. Since that time, the decision was made to bring the same presentation before the Planning Commission and the City Council so that the audiences of both meetings would have an opportunity to receive the information. Ms. Bunting noted that no action is required this evening; therefore, citizens will have time to reflect on the information prior to Council's vote at the September 8 meeting.

Ms. Bunting introduced Zoning Administrator, Hannah Sabo, to make the

presentation.

Ms. Sabo greeted those on the dais and reviewed the first few slides of the slide presentation which provided background information about the parking on lawns ordinance and listed the goals of the amendment. Ms. Sabo noted that this ordinance will not require anyone who does not currently have a driveway to install one.

The next few slides of the presentation that Ms. Sabo shared displayed images of parking on lawns. Ms. Sabo noted that this amendment would prohibit parking on the grass in the front yard when there is street parking available and when other exceptions are not met.

Ms. Sabo shared a chart which indicated whether other jurisdictions in the region regulate parking on grass. The chart also provided a brief description of the regulation for jurisdictions which do have regulations.

Ms. Sabo clarified that this proposed amendment only affects residential street frontage yards and does not limit parking of operable vehicles on the grass in the rear yard. If street parking is available, and a citizen wishes to park their vehicle in the front yard, that would only be permitted on an improved driveway unless one of the exceptions is met.

Ms. Sabo continued reviewing the slide presentation which provided information about guidelines for parking on residential lots; options for driveway improvements and installation; exceptions; and enforcement (permit requirements and notice of violation).

Ms. Sabo noted that the amendment has as proposed effective date of January 1, 2022, and then reviewed the remaining slides of the presentation which provided information about some of the previous concerns associated with the ordinance amendment. Those concerns include: outreach, cost, grants, Americans with Disabilities Act (ADA) accommodations, exceptions and driveways (for existing single family homes, no one will be required to install a new driveway because of this ordinance).

Ms. Sabo emphasized that one of the benefits of the proposed delayed effective date is that it will allow staff time to work out some of the details of the grant program and other concerns.

Ms. Sabo summarized the regulations and the timeline of events and then opened the floor for questions.

Vice Mayor Gray spoke about access problems which may occur as a result of people moving their cars from front yards onto narrow streets in the City, for example, Douglas Avenue and Vaughn Street. He asked Ms. Sabo if staff is aware of how many streets will require no parking on one side of the street to accommodate this.

Ms. Sabo stated that staff is working with the Public Works Department and the Fire Department on the issue and that citizens may call 727-8311 to have a specific street evaluated.

Mayor Tuck opened the floor for additional questions and comments. None were posed.

3. [21-0228](#) Briefing on Outdoor Special Event Permits

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

Ms. Bunting introduced the item and then introduced Assistant City Manager Steve Bond to make the presentation.

Mr. Bond greeted those on the dais and shared some of the reasons why the City encourages special events. Special events are a great way to highlight the diversity in the community; reinforce relationships; establish new relationships; and tighten the bonds that bring people together that makes Hampton unique. Mr. Bond also noted that the City encourages people to celebrate and participate in events, but remain safe during the pandemic as we continue to look forward to a time when everyone can have social adhesion and come together as a community.

Mr. Bond reviewed the slide presentation which provided information about when a special event permit is required; why special event permits are required; types of events (neighborhood scale public special events, City-scale private special events, City-scale public special events, and other events which may require a permit); the various permits required for the various types of events; descriptions of the types of events; and exceptions to these requirements.

In response to Mayor Tuck, Mr. Bond clarified that Buckroe Beach is an example of an open-air venue.

Mr. Bond continued sharing information from the slide presentation about the application submission and approval process, the fee schedule, deadlines, revocation of an event permit, and enforcement mechanisms for offenses.

Mr. Bond clarified that the fee schedule lists the permit fee for various types of



events; however, additional fees may apply under certain circumstances, for instance, according to what is being sold at an event and/or whether insurance is required. He also noted that information on outdoor special event permits can be obtained on the City's website at [hampton.gov/specialeventspermits](http://hampton.gov/specialeventspermits); by calling 757-727-6640; or by emailing [eventpermits@Hampton.gov](mailto:eventpermits@Hampton.gov).

Mr. Bond made closing remarks and reiterated that the City promotes having special events in a safe manner for all to enjoy and come together in the community with the goal of creating shared experiences.

Mr. Bond opened the floor for questions and comments.

Mayor Tuck asked whether the offense penalty scale could be altered to be more graduated. For example, in his opinion, it seems somewhat punitive for a first offender who may not have been aware of the rules to be given an 18 month non-eligible application period. He suggested that perhaps that penalty could be lowered and apply harsher penalties for those with second and third offenses.

Ms. Bunting shared that that type of change would require a City Code change and indicated that she may recommend making some sort of change as there have been instances where property owners were penalized for events taking place on their properties of which they were unaware. She added that with Council's permission, staff is willing to return to Council with potential changes to modernize the Code. She agreed that it appears to make sense to have a graduated scale or perhaps a fine would be more effective. She also suggested that if Council has any ideas for staff's consideration, staff will work on them and return to Council.

For the benefit of the public, Ms. Bunting clarified that Buckroe Beach being labeled an open-air venue does not mean that people can do whatever they please there; instead, park rules and regulations apply there as with any park. She also clarified that if the City is sponsoring an event there, a permit is not required for each activity; however, City-wide events such as the Buckroe Arts in the Park is an example of an event which would require a permit.

Councilman Brown noted that he was recently informed that enforcement is different for private property than for public spaces.

In response to Vice Mayor Gray's question about mobile vendors, Mr. Bond shared that a number of types of vendors fall into that category, some of which include food trucks and apparel sales. Vice Mayor Gray inquired about jewelry sales. Mr. Bond noted that he was uncertain of what category a jewelry sales table would fall into and he would need to review peddler's license requirements to determine that.

Vice Mayor Gray agreed with Mayor Tuck in that losing the ability to obtain a permit for 18 months is heavy for a first time offender who may not be aware of the rules. He suggested that this may be something which needs to be revisited.

Ms. Bunting assured everyone that staff will revisit this. She also emphasized that there is a difference between someone honestly not knowing the process and someone knowing the requirement, and moving forward with an event anyway without obtaining a permit, which is willful disregard and may be determined to carry a higher penalty. She also shared that the City plans to have more communication efforts to proactively inform people of the requirements and why they are important. She agreed that updating the rules are in order; reiterated that that action requires a Code change; and noted that staff will work with the City Attorney's Office and the Community Development Department to advance something in the near future to address the graduated concern and to distinguish between a willful disregard and an unintended disregard of the rules.

Ms. Bunting referenced Councilman Brown's comment and clarified that the rules still apply to private property. She explained that if an event is taking place on a private property, the City cannot shut down the event unless the property owner makes that request; otherwise, the City will handle the violation after the fact. She also referenced another scenario in which a property owner may live out of town and an event takes place without their knowledge. These are some of the reasons why penalties are dealt with after the fact and events are not shut down immediately.

Councilman Brown said that Ms. Bunting's explanation clarified the point he wanted to make. He also asked whether a permission form could be created for private owners to sign authorizing the use of their property. This would allow documentation to be on file and alleviate any confusion.

Ms. Bunting shared that currently the City will not permit an event on private property without clear signal that the private property owner is supportive of the event.

Mr. Bond agreed with Ms. Bunting's comments and added that it only becomes a problem when a permit is not sought out or when the City is not aware of the event until it is taking place.

Mayor Tuck opened the floor for additional questions and comments. No questions or comments were posed.

## **REGIONAL ISSUES**

There were no regional issues.

**NEW BUSINESS**

Mayor Tuck reminded everyone that today's meeting is the only meeting to be held during the month of August and that the next meeting will be held in September.

**CLOSED SESSION**

4. [21-0205](#) Closed session pursuant to Virginia Code Sections 2.2-3711 A (.1),(.3) and (.8) to discuss appointments as outlined on the agenda; to discuss the disposition of publicly held real property in the Buckroe and Grandview areas of the City where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and to consult with legal counsel regarding an existing lease agreement for certain vacant property in the City and to discuss provisions of the city code concerning inoperable vehicle storage which require the provision of legal advice by such counsel.

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

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

5. [21-0174](#) Consideration of Appointments to the Hampton Redevelopment and Housing Authority
6. [21-0184](#) Consideration of Appointments to the Grievance Board  
**Attachments:** [Porter](#)
7. [21-0206](#) Consideration of Appointments to the Hampton Senior Citizens Advisory Committee
8. [21-0208](#) Consideration of an Appointment to the Hampton-Newport News Community Services Board
9. [21-0214](#) Consideration of an Appointment to the Hampton Roads Community Action Program (HRCAP)

10. [21-0227](#) Consideration of an Appointment to the Hampton Economic Development Authority

**CERTIFICATION**

11. [21-0194](#) Resolution Certifying Closed Session  
A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Steven Brown, that this Closed Session - Certification be approved. The motion carried by the following vote:

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

**ADJOURNMENT**

The meeting adjourned at 5:18 p.m.

**Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

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Donnie R. Tuck  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

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