



# City of Hampton

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

## Council Approved Minutes - Final City Council Legislative Session

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

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

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**Wednesday, September 8, 2021**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:35 p.m. The late start was due to equipment resetting following a brief power outage. All members of the City Council were present except Councilwoman Snead who arrived at 6:39 p.m.

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilmember Chris L. Bowman

Councilman Bowman gave the invocation.

**Present:** 6 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs and Mayor Donnie R. Tuck

**Excused:** 1 - Councilmember Chris Snead

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck shared with citizens that the 20th anniversary commemoration of 9/11, will take place at Gosnold's Hope Park on Saturday, September 11, 2021, at 8:46 a.m. which is the official start time. He encouraged people to arrive early due to a number of activities which will take place. He explained that we have trees at the park which were actually planted in soil from

each of the areas where the planes struck. They are referred to as Trees of Hope.

Mayor Tuck also shared that the HRT bus shelters in Hampton are vastly improved and citizens should be seeing them around.

He also asked citizens to be cognizant that school has begun and should be mindful of bus caution lights and school zones.

## CONSENT AGENDA

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

**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

## Approval of the Consent Agenda

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

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

1. [21-0231](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the 2022 Victim Witness Program Grant awarded by the Virginia Department of Criminal Justice Services

**Attachments:** [Grant-Proposal-Overview-PDF for 2022-23](#)  
[WebGrants -OGMS Hampton Victim Witness](#)  
[22-O1029VW19-Hampton SOGA](#)

Item approved.

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

2. [21-0232](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the 2022 Virginia Drug Treatment Court Grant Awarded by the Supreme Court of Virginia, Office of the Executive Secretary to continue the Hampton Drug Treatment Court Program for the Eighth Judicial Circuit Court of Virginia

**Attachments:** [FY22 Grant Award Letter](#)  
[FY22 Grant Award Acceptance](#)  
[FY22 Grant Conditions and Assurances](#)  
[FY22 Special Conditions](#)

Item approved.

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

3. [21-0234](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the Fiscal Year 2022 Court of Virginia Behavioral Health Court Docket Grant awarded by the Supreme Court of Virginia

**Attachments:** [Hampton GD BHD Award Letter](#)  
[Hampton GD BHD Award Acceptance](#)  
[Hampton GD BHD special conditions](#)  
[FY22 Quarterly Report Due Dates](#)  
[Specialty Dockets Budget Amendment Form](#)  
[Specialty Dockets Quarterly Financial Worksheet](#)

Item approved.

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

4. [21-0199](#) Resolution to Amend the Fiscal Year 2021 and Fiscal Year 2022 Council Approved Budgets to Accept and Appropriate the Shuttered Venue Operators Grant awarded by the U. S. Small Business Administration

**Attachments:** [SVO Grant Award Letter](#)  
[Grant-Proposal-Overview SVOG 07142021](#)  
[Approved Grant-Routing Sheet - SVOG](#)  
[SVOG Routing Sheet Email Approvals](#)

Item approved.

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

5. [21-0241](#) Resolution Authorizing an Advance of \$4,900,000 from the City's General Fund Unassigned Fund Balance to the Capital Projects Fund for the Hampton Coliseum and Jail Maintenance Projects

Item approved.

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

6. [21-0240](#) Resolution to Request the Virginia Department of Transportation Program Two State of Good Repair Projects into its Six-Year Improvement Plan, to Amend the City Manager's Council Approved FY22 Capital Budget to Incorporate the Projects, to Appropriate \$1,317,000 VDOT State of Good Repair Funds to the Capital Projects Fund for the Two Mercury Boulevard West Resurfacing Projects, and to Authorize the City Manager or Her Designee to Execute any Necessary Agreements.

Item approved.

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

7. [21-0245](#) Review and Approval of the Hampton-Newport News Community Services Board FY22-23 Performance Contract with the Department of Behavioral Health and Development Services

**Attachments:** [FY22-FY23 Performance Contract](#)  
[Addendum FY22-23 Administrative Requirements Processes & Procedures](#)  
[Presentation](#)

Item approved.

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

8. [21-0236](#) Approval of the minutes from the work and legislative sessions of August 11, 2021.

Item approved.

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

#### PRESENTATIONS, PROCLAMATIONS, AWARDS

There were no presentations.

#### PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

9. [21-0237](#) 2020 - 2021 Consolidated Annual Performance and Evaluation Report (CAPER)

**Attachments:** [Goals and Outcomes](#)  
[Presentation](#)

Ms. Glass read the title for the item.

City Manager Mary Bunting introduced Chief Neighborhood Development Specialist, Lauren White, to make the presentation.

Ms. White greeted everyone and provided the following information about the City's requirements for the Consolidated Annual Performance Evaluation and Report (CAPER): The City of Hampton must submit a Five-Year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) for its Community Development Block Grant Program (CDBG) and HOME Investment Partnerships (HOME) Program. The current Five-Year Consolidated Plan covers FY2020-FY2024. Tonight's CAPER report will cover the first year of the Five-Year Consolidated Plan. Each year, the City must develop an action plan to be submitted to HUD which covers the upcoming fiscal year. Additionally, each year, the City must submit the CAPER to HUD for the Annual Action Plan. The fiscal year covered for tonight's presentation is FY 2020 (July 1, 2020 - June 30, 2021).

Ms. White shared the next several slides of the presentation which provided information about the objectives, allocations and resources for the CDBG and HOME programs.

Ms. White paused to note that the HOME Program requires that 15% of the City's annual allocation be directed to it's Community-based Housing Development Organization (CHDO). The City of Hampton currently has one CHDO, Habitat for Humanity.

The next several slides of the presentation that Ms. White reviewed provided information about CDBG and HOME allocations and resources for 2020-2021; CDBG and HOME allocations for fiscal years 2015-2019; HUD income limits for 2021; CDBG accomplishments for 2020-2021; improvements made to homes through the CDBG Program for 2020-2021; and HOME Program accomplishments for 2020-2021.

Ms. White reviewed the 2020-2021 CAPER schedule and then opened the floor for questions from Council.

In response to Councilman Brown, Ms. White indicated that currently, there are individuals on the housing repair waiting list which is managed by the Hampton Redevelopment and Housing Authority (HRHA). She also noted that once people are on the waiting list, they remain on the list and are not required to re-apply or re-certify each year.

In response to Councilman Brown's question about who is eligible for the program, Ms. White clarified that HUD has its own income limits which may correlate to the poverty guideline, but may not line up exactly with it.

Vice Mayor Gray asked about the funds that were not used for housing rehabilitation due to COVID. Ms. White clarified that those funds will roll over into next year.

Councilman Bowman asked if the objective is to reach 100% for the goals that have not yet reached that mark. Ms. White replied yes, and added that we have the entire consolidated period to achieve those goals; these numbers only refer to the first year of the consolidated plan.

Councilman Bowman also referenced the statistics in the presentation related to the homeless and other topics and encouraged staff to keep up the good work.

The Mayor opened the public hearing. There were no speakers for the public hearing so the Mayor closed the public hearing.

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

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

10. [21-0235](#) Subdivision Exception Application by Christopher R. and Amy W. Barbour for Exceptions to Subdivision Ordinance Sections 35-10(B)(2), 35-10(B)(6), And 35-71(H) at 13 Thomas Nelson Drive

**Attachments:** [Applicant's Deferral Request](#)  
[Application](#)  
[Hardship Narrative Statement](#)  
[Recommended Conditions](#)  
[Proposed Boundary Line Adjustment Plat](#)  
[Staff Report](#)  
[Presentation - Staff](#)  
[Email from Fire Chief Monk](#)  
[Presentation - Applicant](#)

Ms. Glass read the title for the item and noted that no one had signed up to speak at the public hearing. Mayor Tuck closed the public hearing and called for the motion.

At the request of the applicants, a motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Subdivision Exemption be deferred to the City Council Legislative Session, due back on 10/13/2021. 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

11. [21-0198](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Parking Vehicles on Unimproved Surfaces in Residential Areas

**Attachments:** [Redline](#)  
[Presentation](#)  
[Street Frontage Yard Graphic](#)  
[Relevant Zoning Definitions Adopted in 2020](#)

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

Ms. Sabo provided background information and the timeline of events for this item and then indicated that she would present the amendment for action.

Ms. Sabo stated that the overall goal for the amendment is to increase property values while decreasing negative environmental impacts. Some of the specific goals can be found in the slide presentation. Ms. Sabo emphasized that this ordinance does not require anyone to install a driveway if they do not already have one.

Ms. Sabo explained that this amendment would prohibit parking on grass in front yards when there is street parking available and when other exceptions are not met. She shared a slide which displayed a few examples of parking on lawns in front yards and then reiterated that this amendment regulates parking on front lawns, but does not require adding a driveway for those who do not already have one.

Ms. Sabo displayed a slide which listed other jurisdictions in the region and indicated whether those jurisdictions have parking on lawns regulations. The slide also provided regulation summaries for the jurisdictions which have them.

Ms. Sabo emphasized that the proposed amendment only affects residential street frontage yards to include front yards and side yards on a corner lot; however, it does not limit parking on grass in the rear yard. She added that if street parking is available and a citizen wishes to park in the front yard, they would only be able to do so on an improved driveway unless they meet one of the exceptions.

Ms. Sabo continued with the slide presentation which provided information about low-cost options for installing and improving driveways.

The next few slides that Ms. Sabo shared provided information about exceptions, enforcement and previous concerns related to these regulations.

Ms. Sabo announced that the amendment has a proposed effective date of January 1, 2022; recapped the information provided during the presentation; and stated that the Planning Commission and staff recommend approval of the zoning ordinance amendment.

Ms. Sabo opened the floor for questions.

In response to Mayor Tuck, Ms. Sabo clarified that citizens who currently do not have a driveway and choose not to install one are permitted to park on the street. If



no street parking is available, this ordinance allows those individuals to park on the lawn. She also shared an example of a ribbon driveway with two strips.

In response to Vice Mayor Gray's question about parking on one side of the street, Ms. Sabo explained that in instances where parking is allowed on one side of a street, but not on the other, residents would be allowed to park on the lawn since half of that block does not have street parking.

Vice Mayor Gray referenced the feedback he has received from concerned citizens and asked Ms. Sabo to elaborate on some of the exceptions such as car washing and unloading groceries.

Ms. Sabo reminded everyone that all activities and exceptions will not be listed in the ordinance as that would create a long list. She noted that the City encourages people to wash their cars and then emphasized that the goal is to obtain citizen compliance, not to take citizens to court or send them numerous violations. For example, it is unlikely that an inspector will send a notice of violation to someone who was seen unloading groceries. She reiterated that our inspectors work well with citizens to ensure that they obtain compliance rather than issue violations.

Councilwoman Snead commented that she was under the impression that the idea was to preserve green space, improve character and make positive impacts on neighborhoods; however, this amendment appears to penalize those who do not have multiple cars parked in their yard. She also expressed concern about those who may be in violation because they have older driveways or driveways with a little gravel which may not be up to standard. She continued saying that if citizens are not required to install driveways and are allowed to park on the street, this may create an opportunity for vehicles to become damaged by passing cars.

Mayor Tuck suggested that this may not only be about multiple cars; instead, it may also be about people who think it is convenient to pull their vehicles up to the door.

Councilwoman Snead clarified that she was referring to citizens who may be in violation because their driveways do not meet the standard of what the City considers a driveway, and was not referring to people who pull up to their front doors.

Ms. Sabo explained that it is challenging for staff to write an enforceable ordinance when there is no way to determine how long someone has been parking on a lawn or whether there is enough gravel left to be considered a driveway. She noted that staff discussed many of these issues and believe that they have found an ordinance that is center-lined and allows for low-cost options like gravel.

Councilwoman Snead indicated that she is conflicted by the ordinance because if the purpose is to improve property value and have a positive impact on neighborhoods, allowing gravel driveways is not aesthetically pleasing, and, therefore, makes this conflicting.

In response to Councilman Hobbs, Ms. Sabo said that she believes there is enough staff to enforce these regulations City-wide.

In response to Councilman Brown, Ms. Sabo clarified that there is no limit to the number of vehicles that can be parked on a lawn when no street parking is available.

Councilman Brown agreed with Councilwoman Snead in that this appears to be conflicting. He expressed concern about the potential for neighbors to complain about numerous cars on lawns effecting the integrity of the neighborhood. He also suggested that inspectors checking on things like cars parked on lawns is not a priority, particularly when there are other egregious violations to which they could tend.

Ms. Sabo commented that Hampton's inspectors have done a great job of meeting complaint-based inspections within the designated time period.

Ms. Bunting added that inspectors are cross trained to look for all zoning violations so that when they respond to a complaint they have an opportunity to view the entire neighborhood for all zoning violations, not just one house or one violation.

Councilwoman Snead reminded everyone that many violations occur on the weekend when inspectors are off duty. She reiterated that she was under the impression that this was brought about because of those who have driveways, but continue to park multiple cars on lawns and this was a means to make a positive impact on property values and improve the character of neighborhoods. She emphasized that, in her opinion, citizens who have one or two vehicles and a driveway should not be given a summons regarding a driveway. She indicated that, in her opinion, more work is needed on this ordinance to reach the goal of preserving green space, improving character and improving property values.

Ms. Bunting agreed with Councilwoman Snead about weekends and indicated that a long-term goal is to implement nighttime and weekend enforcement; however, the City currently does not have the capacity for it. She also said that there have been complaints about multiple cars and about parking multiple cars on lawns without a driveway, both of which are not aesthetically pleasing. She indicated that Council will ultimately determine what counts as a driveway and then reviewed some of the

low-cost driveway options as described in the presentation.

In response to Councilman Brown, Ms. Sabo shared that the ordinance requires that new driveways be three feet from the property line; however, currently there is no setback for cars that are parked on grass.

Vice Mayor Gray suggested that the goal of the ordinance may have been clearer had the presentation included more examples of violations and examples of more severe violations. He shared a few examples of violations he has seen in the City; agreed with the need to provide grants to citizens who need assistance with installing driveways; and provided additional examples of violations where multiple cars are parked on lawns when street parking is available. He agreed that this problem interferes with the beauty of our neighborhoods.

Councilman Hobbs suggested that we owe it to the citizens to work out the details of the ordinance (such as the grant programs) prior to passing it.

Mayor Tuck said that the grant program is underway and he believes everything will be in place by the effective date of January 1.

Councilwoman Snead emphasized the importance of being transparent and indicated that she does not believe the City works that fast. She also said that she understands the goal of the ordinance and what is trying to be accomplished; however, in her opinion, this ordinance will penalize those who are doing things the right way. She referenced some of the examples in the presentation that back her views on the matter and reiterated that more work needs to be done on the ordinance prior to moving forward.

Councilwoman Brown said that she appreciates everyone's comments and the citizen feedback on the matter. She indicated that there should be a limited number of cars allowed on a yard and that front yard deterioration due to multiple cars being parked on lawns needs to be addressed. She also expressed the need for a better understanding of the exceptions and the importance of aesthetics and maintaining property values and the tax base. She applauded staff for their effort and agreed that it is difficult to bring forth a balanced ordinance, but it is a worthy goal to find a solution. She closed her comments by stating that she would like to see the grant explored more and then encouraged her peers to make a good decision which meets the needs of all the citizenry. She noted that a good ordinance is one which is enforceable and understandable and that these concerns need to be addressed in a timely manner.

Ms. Sabo responded to some of the comments made by Council. She referenced

the example in the presentation of the red car in the driveway and said that currently, an improved driveway involves using a spreadable material contained by a border and the example in the presentation does not. She then addressed the number of vehicles stating that if there is available on street parking, citizens cannot park on the lawn; there are also front yard green area limitations prohibiting people from expanding a driveway so large to accommodate numerous vehicles. In the case of no on street parking, limitations on the number of vehicles is considered; however, in cases where there is no on street parking or a small lot, there is no way to get vehicles into rear yards. Ms. Sabo also spoke about cases in which people own so many vehicles leaving no choice but to park in the front yard because there is no on street parking. She concluded her comments emphasizing the need to balance accommodating citizens with multiple cars and those who have small yards, but no available on street parking.

Ms. Bunting recommended deferring the item to a date certain. This will allow time for staff to tweak the ordinance; for the public to provide input; and for staff to make the appropriate adjustments. She also recommended deferring to a date certain to avoid having to repeat the entire process.

Mayor Tuck reminded everyone about the appropriation that was completed last year in a two week time frame for small businesses which indicates that it is not improbable to approve a grant prior to January 1.

Councilwoman Snead replied stating that in her opinion, this needs to be hashed out further as this is similar to an unfunded mandate. She questioned why not offer curb appeal grants to neighborhoods if the goal is to improve aesthetics in neighborhoods.

Mayor Tuck suggested that this may not be the appropriate platform to hash out how to do grants. He also referenced some images from the presentation and reiterated that these conditions are not acceptable; therefore, we have been trying to make improvements to streets so that our neighborhoods are more appealing.

**PUBLIC HEARING:**

Mayor Tuck opened the public hearing.

Mr. Bob Padgett greeted those on the dais and made the following statement: I want to talk against this parking on the grass motion. I plant and cut my grass. I pay taxes on that hunk of grass. I don't park on it very often. When I have company, I have them park their van next to my van which is on the grass. The reason for not parking on the street is I had an incident where someone came by and spit tobacco

juice all over her van. Now, for discussion with the City, what they are trying to accomplish with removal of disabled cars with no motors, no transmissions, and leaking fluid into the environment. My argument to this is the City has enough tools in their tool box now to address this concern. I respectfully request Council to table this proposal for future study, maybe 50 years. I've learned from representing people that it's not about I; it's all about we. How this proposal would affect people. Hampton is a very old City with narrow streets and open ditches in front of homes - they have nowhere else to park but on the grass. Now you are proposing that we be required to spend \$5,000 - \$6,000 to purchase a hunk of concrete to park on. That's just not right. That's not all this proposal states. Now, it states the amount of grass that you are required to have in your yard. Are we in Russia? Now, let's talk about that cost again. The City states that it would help those that can't afford that hunk of concrete. That's great. My next question: who determines who can afford this cost? We are all tax payers, so this City should treat us all the same. Pay the mandated parking space. The Mayor has stated that these parked cars are an eyesore. Now I'll tell you what's an eyesore. Drive by shooting's increasing the crime rate. Now, they are even shooting at police cars. That's what's giving the City a black eye, not parked cars. What we don't need is to have a grass police. Thank you.

Mr. James Scull greeted those on the dais and made the following statement: I agree with Mr. Padgett and I had a list of stuff I was going to say something too, but I don't think any of you all understand the environmental impact of what you're getting ready to do. Having dealt with environmental health and safety for a number of years in my past career, what you are trying to do is put pavement on the ground to allow runoff and drainage to enter our systems faster. Right now, if you park on grass and dirt, if oil leaks, you can come in and dig the dirt up and dispose of it in a safe manner. One quart of motor oil contaminates 250,000 gallons of water. Where do you think it is going to run if you put it on gravel or driveway? I live in a cul-de-sac. I have one parking spot on the street in front of my house. If I park my vehicle there, it blocks the mailbox. Do you know what the mailman says? I can't put your mail in the box, but I can put a letter in your box telling me I can't deliver it. Hello. This ain't a joke, people. My wife is disabled. If she parks on a street with no ditch or no sidewalk, no gutter, no curbing, she has to cross a ditch to get to where she has to go. Okay. In 2018, my car was on the street; got sideswiped. There ain't no bigger eyesore than to walk out the front door of your house and see your car with \$1,500 worth of damage on it from some knucklehead that hit you. Is the City going to take responsibility for paying the damage to vehicles by requiring them to park on the street? My insurance went up \$11 a month. I had to pay a \$300 deductible, and now you are going to tell me I can't park on my yard to protect my property? Come on guys, you can do better than that. Thank you. Shoot this thing down. It's a joke.

Ms. Virginia Lyeth greeted those on the dais and made the following statement: Hello. I was here a year ago. The only one who was here a year ago. I'm sorry I couldn't make it to the previous ones and I'm sorry that my thoughts are disjointed here, but life has been a little crazy. I am much opposed to all of this for a multitude of reasons and I'm just going to run down my list. I do see an understanding, although if you were pointing to that picture, when I look at that picture that you showed up there with the yellow house with the three cars, I look at a house in a neighborhood that they probably are striving to live and they can afford and they have reached a point where they actually have three cars so that they are actually able to maintain a car and another car and possibly be going to work because those cars didn't look like they were in bad condition. If you are blocking the steps in and out of a house, then that probably comes under another law. You are also talking about our private property rights. Are you going to be labeling each and every property as to what vehicles can be there in the old neighborhoods, especially Wythe, especially Buckroe and it's just everywhere. In Hampton, we have so many that don't have the proper driveways or the driveways have been run over. I agree with the runoff. My God, that's a travesty. I pay extra for every bit of asphalt that I have in any of the commercial properties. If you are requiring a driveway and you're going to require the people to put it in, who is going to put in that apron? The City of Hampton years ago, put in sidewalks, especially in Buckroe, which I am familiar with, and they promised they were going to come back because they paved over our driveways. What did you do? You created a flood situation. They promised they were going to come back and give us aprons and it never happened and then those poor people don't have anywhere to park because on the weekend, we are crowded, so you come out here and everybody is parked in front of your property which forces you to park in your grass. Where does it end? In the summer, that is seven days a week. Then we have our disclosure on the properties that we would have to do. Are you going to disclose to everybody who moves into the area? We've already got stuff we have to disclose to every Tom, Dick and Harry that comes here. Dear God, people, another list on your disclosure is how many cars you're going to have on this property. It's just - Oh, for God's sake, don't tread on me and don't get me started on the ribbon driveways. Dear God, here we are again. Once again, can we go in the grass or do we go on the sidewalk? Which is the worst case that we are following? I don't see a huge difference from when I was here a year ago. I really don't see that there has been many changes to this (from) a year ago. Our inspectors, from what I see, already have their hands full. Our inspectors are wonderful. We have some of the best City employees everywhere. I guess that's my time telling me to shut my mouth, so I guess I'm going to tell you that I just wish you would just not do this until you streamline it, because this is America and I think that the areas that you are talking about going into are areas that are disadvantaged.

Mayor Tuck informed Ms. Lyeth that her speaking time had expired; noted that Ms. Lyeth was the last person who had signed up to speak; closed the public hearing; and opened the floor for additional comments from Council and/or staff. No comments or questions were posed.

Since many ideas were brought forth, City Attorney Cheran Ivery suggested that if the item gets deferred that it is deferred to the November or December Council meeting allowing time for staff to vet the ideas, work with the Planning Commission and advertise the public hearing.

Mayor Tuck indicated that staff will be given guidance following the vote and additional comments from Council.

Vice Mayor Gray was in support of putting a grant program in place for those who may need assistance with installing driveways, however thought that deferring to November may not allow enough time. He also suggested bringing the item back with changes and the grant program after everything has been approved.

Ms. Glass confirmed that the motion was to defer the item until December 8.

Ms. Bunting stated that this should be attainable by the December meeting (with the proper guidance from Council).

Mayor Tuck opened the floor for additional discussion.

Ms. Bunting provided the following summary: There appears to be some consensus about providing clarity for the definition of driveway allowing for the fact that some older properties may have remnants of a driveway. In that case, cars parked on those remnants would not be in violation, but other cars parked on grass on the property would be. Vice Mayor Gray and Councilwoman Brown have expressed the need for a maximum number of cars allowed on a property which may or may not fit into this ordinance, but staff will advise Council after doing some legal research. Staff will also need clarity in the coming weeks in terms of the grant. The notion has been heard that the grant be targeted to those of limited means as well as the other perspective that make it a curb appeal grant that anyone can apply for (this is where clarity is needed).

Ms. Bunting noted that she did not want to delay the meeting any further, and, therefore, would follow up with Council at a later time and/or discuss this at a future meeting.

A motion was made by Councilmember Steven Brown and

seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text be deferred to the City Council Legislative Session, due back on 12/8/2021. 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

12. [21-0239](#) Potential I-64 Ramp Metering (Timed Gate Closures)

**Attachments:** [Presentation - 9/15/21](#)  
[Presentation - 9/22/21](#)

Ms. Glass read the title for the item.

Ms. Bunting made brief remarks and introduced Public Works Director Jason Mitchell to give the presentation.

Mr. Mitchell greeted those on the dais and reviewed the slide presentation regarding Mallory Street and Settlers Landing Road Eastbound I-64 ramp access. The first slide displayed an image of traffic congestion on I-64 as a result of the Hampton Roads Bridge Tunnel Expansion Project. This traffic creates traffic problems for Hampton because it circumvents through downtown Hampton and Phoebus.

The next several slides of the presentation that Mr. Mitchell shared listed the measures the City has taken since 2019 to alleviate traffic problems; listed temporary considerations to reduce traffic congestion; and displayed images of the Mallory Street East I-64 ramp and the Settlers Landing Road East I-64 ramp.

Mr. Mitchell concluded the presentation and shared the next steps in the process. They are to continue working with stakeholders; to request public comment this evening and at the September 22 City Council meeting; to request Hampton City Council consider the resolution of support on September 22; and to request approval from the Federal Highway Administration.

Mr. Mitchell opened the floor for questions and/or comments from Council. None were posed.

PUBLIC HEARING:

Mayor Tuck opened the public hearing.



Ms. Pejcharat Harvey, a resident of Hampton and an employee of the Veterans Administration (VA), greeted those on the dais and made the following statement: I am invested as a citizen of Hampton as well as an employee of the Hampton VA. My main concerns are this is the first time I'm hearing it, so I am here to speak about it. I think it is a good idea in theory. I can see why people would want to do it in terms of helping with traffic, but as an employee and as someone who lives here, is it really good? I mean, what has been done to study it? I hear that they are trying to help with Phoebus, but is it really that necessary we do it, because what I've noticed is when I've gone home the last couple of days, traffic hasn't been that bad. So, is this more of a summer issue? Is it really something we need to do the whole length of time? Have you done any studies? Have you looked into it? Has there been a feasibility study done? Has there been a modeling simulation done? Where is this decision coming from? Was it just in response to Phoebus citizens or downtown businesses complaining? Has there been concerns from other citizens? What is pulling this and what is going to be the consequences? Are we going to now end up having traffic further down off of LaSalle (Avenue) since we are blocking the two nearest entrances? So, those are my concerns. I really want to be thoughtful about this because I use those entrances a lot, so that's going to make it inconvenient for me as the citizen. Those are my comments.

Mr. Tim Receveur, a resident of Phoebus and a board member of the Partnership for New Phoebus, greeted those on the dais and made the following statement: I'm here to mention two things. One is, there should be a letter to the City Council dated August 24 that expresses unanimous support from the Partnership for New Phoebus for those temporary ramp closures. The other element that we have is a traffic survey that we did for citizens of Phoebus from August 12 - 22, and we reached out to about 13,000 people in total in the region. We asked for a survey to be filled out expressing their support or lack of support for the temporary ramp closures. What we found was 85% of Phoebus residents that answered the survey were in favor of the temporary ramp closures; 15% were not; and we don't speak for the Buckroe neighborhood, but they were 100% in support of the temporary ramp closures. That's all I have. Thank you.

Mr. Scott Stratton greeted those on the dais and made the following statement: I am definitely not for these temporary ramp closures because all it is going to do is push the traffic further westbound to bottleneck at LaSalle (Avenue) and Mercury (Boulevard) and then we also have to deal with all the traffic that is coming from Phoebus to have to also get back on to 64 eastbound. Then the suggestion that had been made that I've seen in the note from the Mayor about taking I-664 if you need to go on the Southside. Well, that's well and good except it is rather inconvenient when I-664 drops you off in the Southside of Norfolk. I live up near the zoo, so my option is to either take I-64 all the way around which would increase my time home

by about 45 minutes, or use a daily commute through the Midtown Tunnel which I'm going to incur more cost for my travel versus this time here. Of course, what I've noticed myself, which is what the temporary closure, I believe, to address, is people who are traveling eastbound I-64, will exit there at Settlers Landing (Road) just to get up on the other side of the bridge because they don't feel like sitting in that lane of traffic. None of this is going to do anything to help alleviate the traffic on I-64 itself. All this is really going to appear to do is just alleviate traffic backup in downtown Hampton and push it outside of Hampton. Thank you.

Ms. Evie Woods, a Hampton resident and employee of the VA, greeted those on the dais and made the following statement: I'm here to ask the City of Hampton to reconsider the plan to close the ramps at both Mallory Street and Settlers Landing Road I-64 east on ramps. I am a social worker in the homeless program and this closer would greatly affect our veterans who are experiencing homelessness. Many of the homeless veterans in the Hampton Roads area visit our Homeless Program Office which is located at the Medical Center in Hampton and many of those veterans are referred to local shelters by our staff for emergency housing options. However, most of the available shelter options are located on the Southside, causing the additional delays in travel time from our medical center which has easy access to the I-64 east on ramp at Mallory (Street) may result in many of our homeless veterans being unable to secure shelter options in a timely manner due to the local shelters requiring those seeking admission to be present by a specific time. We've also recently started utilizing a ride share program to assist with transportation needs for our homeless veterans to local shelters from shelters to appointments at the VA Medical Center, etc. Many of these Uber and Lift drivers will refuse to transport our homeless veterans by canceling rides with the additional travel time to the Southside, as we have already started to see when traffic gets backed up due to accidents and breakdowns at the tunnel. I ask that you consider another option to reduce the traffic issues in downtown Hampton as this proposed closure will make transportation options more difficult than they already are for our vulnerable homeless veteran population. Thank you for your time.

Ms. Michelle Deneke, greeted those on the dais and made the following statement: My street is perpendicular to Mallory (Street), and my parents built a house in 1967 and I moved back here in 2012, so I'm directly impacted by the traffic from Mallory (Street) to the highway to I-64. I'm less than a mile away from it. I'm actually against you putting up any barriers for the traffic. For one, we need to keep it open for the businesses in Phoebus. We really need in Hampton to focus on the business community and I don't see where the business community can thrive if you are stopping them. They need to be able to harvest the folks that are stuck in traffic to bring them off the streets to go to their happy hours or other types of things since they are right there stuck in the traffic. There are a lot of panhandlers over there, so

what the business owners need to do is take turns and stand on the same areas where the panhandlers are. The panhandlers seem to be doing pretty good collecting money, so you can get customers to come in as well. One other thing is we still are in the middle of a pandemic and these businesses need to be able to make revenue however they can, and I don't think this is a good way to help the business community. Not only that, I'm a homeowner. I own property here in Hampton and we need to stop taxing the homeowners so much and increase the business community, therefore, you tax them, not us, because they can afford it. I think that also contributes to other things about the mass exits from Hampton, so we need to really embrace the business community. If you can't tell, I'm a former business owner and a serial entrepreneur and I definitely care about the business community. Thank you.

Mr. Trevor Barry greeted those on the dais and made the following statement: I just want to say I think that this proposal will cause a lot more problems than it could possibly address. We've heard many of them right here tonight. I think it is going to push traffic off into different areas, but not necessarily make any problems better. I think it's going to cause more problems for both the tunnel and I-64 traffic. I think it's going to back up farther on I-264 and it is also going to impact the other tunnel, MMMBT (Monitor-Merrimac Memorial Bridge-Tunnel), so I do not believe that there are any benefits to have that will override any of the issues that this will cause. Thank you.

Ms. Virginia Lyeth greeted those on the dais and made the following statement: I am against the closure, but the one thing I don't keep hearing or haven't heard yet. Maybe I haven't read intensively enough, could be my problem. But, the one problem I have when I'm heading out of Buckroe (and there are a number of us back here in Buckroe who didn't take any questions, so we are against it). The one thing I don't hear, because I'm normally heading west when I head out of Buckroe in the afternoon and get caught in all that snafu and I have been caught in that snafu, which I do like because I found out how many businesses I didn't know about in Phoebus while I'm sitting there looking at everything else. Apart from that, the problem is there's no access or exit (whatever the word is) for those of us going west. We are stuck with the people going east. There at McDonald's; there's one lane. If you had two lanes where some of us who need to go west could slip out - that's why some of us all of a sudden go...Oh, look there's movement. And, it's not just movement, it's because somebody went west, and so, two cars get to go instead of one. The same thing with the street that comes out of Phoebus that everybody uses as a cut through, it's the same thing. If you are stuck in that long line, if you can get through the light to go west, then the line just cuts right on down. We need two lanes there for those who want to go east or west. That's it.

Mayor Tuck reminded everyone that the City has attempted to address this problem for several years and is aware of it's effects including unsafe travel (such as illegal U-turns); it's effect on businesses; and congestion in the City. He shared a few scenarios about congestion on several streets in Hampton and explained that some challenges have been the lack of police manpower to monitor the area year-round and the traffic which uses Hampton as a cut through to get to the Southside. He assured everyone that the City has tried to implement other strategies and has given this much thought and consideration. It is also working with stakeholders to test a pilot program, and if it is successful, the City will remove some constraints. The Mayor emphasized that this is about considering the quality of life for all Hampton citizens; protecting the entire City, not only downtown; and appreciating the partnerships the City has developed with many associations. He also emphasized that Hampton leaders cannot sit idly and do nothing because the problem will only get worse. He encouraged everyone to view the upcoming virtual presentations being given by the Virginia Department of Transportation (VDOT) on September 22 and 23 at YH Thomas Community Center as these presentations which will reveal how much worse the situation will get.

Mayor Tuck closed the public hearing.

It was explained that this opportunity for citizen input is an informal public hearing and another opportunity will take place at the September 22nd meeting with a vote scheduled at that time.

## **PUBLIC COMMENT**

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

Ms. Tamara Fenichel greeted those on the dais and made the following statement: I am a good citizen of Hampton, homeowner, taxpayer, registered voter and a productive member of society. I just want to say I believe you all are doing a great job. I want to talk to you today about the Virginia Constitution. I know that you guys love it and believe in it as much as I do because you took an oath to uphold, support and defend it. I'd like to read a little bit from it so that we might all be on the same page, in one accord for the highest and greatest good for all citizens of Hampton. Constitution of Virginia, Article I, begins like this: A declaration of rights made by the good people of Virginia in the exercise of their sovereign powers which rights do pertain to them and their prosperity as the basis and foundation of government. Ms. Fenichel then summarized Sections 1-3: Section 1 says that nothing can take these rights away from us. Section 2 says that all power rests in we the people, not the federal government. Section 3 basically says we the people have a duty and an obligation to fix and make right when we see our Constitution being contradicted. All legislation, executive order, regulations contradicting the Constitution are null and void. So, it is easy to see that in light of all this misinformation that we are all being

bombarded with, it's time to come together and seek and find the truth. With that, I'd like to invite City Council, officers in your professional or civilian capacity to learn more about the Virginia Constitution and the creator. We're meeting at Restoration Church off of Fox Hill Road Wednesday evenings from 6:30 - 8 p.m. Even though it is Restoration Church, you don't have to be a Christian to join the meeting. It's non-partisan; no politics. I'm not a preacher or teacher. I am we the people, and so are you. So, please come join the meetings. We want to hear from all of you and your concerns about the current state of the union.

## GENERAL ITEMS

### Appointments

13. [21-0174](#) Consideration of Appointments to the Hampton Redevelopment and Housing Authority
- A motion was made by Councilmember Chris Snead that Edith G. White be reappointed to her second four-year term which will expire on June 30, 2025. Two vacancies remain. 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
14. [21-0227](#) Consideration of an Appointment to the Hampton Economic Development Authority
- A motion was made by Councilmember Chris Snead and seconded by Councilmember Chris Bowman, that this Appointment be deferred to the City Council Legislative Session, due back on 9/22/2021. 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
- [21-0253](#) Motion to appoint Melvin J. Ferebee, Jr. to a first term on the Grievance Board which will expire on September 30, 2025.
- A motion was made by Councilmember Chris Snead that Melvin J. Ferebee, Jr. be appointed to a first term on the Grievance Board which will expire on June 30, 2025. No second was

required. The motion carried by the following vote:

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

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

There were no reports.

**MISCELLANEOUS NEW BUSINESS**

There was no new miscellaneous new business.

**ADJOURNMENT**

The meeting adjourned at 8:23 p.m.

**Contact Info:**

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

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

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

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