



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

Wednesday, November 10, 2021

1:00 PM

Council Chambers

CALL TO ORDER

Vice Mayor Gray called the meeting to order at 1:01 p.m. All members of the City Council were present except for Mayor Tuck. Vice Mayor Gray shared that the Mayor is participating in another meeting and will join the Council meeting once that meeting concludes.

Present 5 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, and Councilmember Billy Hobbs

Excused 1 - Mayor Donnie R. Tuck

JIMMY GRAY PRESIDED

AGENDA

1. [21-0301](#) Update to City of Hampton 2022 General Assembly Legislative Priorities

City Manager Mary Bunting made opening remarks and introduced Mr. Ed Reed of Two Capitols Consulting to provide an update on the General Assembly Legislative priority package which Council is being asked to adopt this evening.

Mr. Reed greeted those on the dais and spoke about the upcoming new Executive Branch of the General Assembly. He noted that Two Capitols Consulting will monitor how this change will impact the City and the priorities it has laid out thus far.

Mr. Reed spoke about the requests being made to the General Assembly. They

include: creating an annual fund to address the needs of Virginia's Military and Federal facilities; providing localities the authority to regulate blight in neighborhoods (vacant building registration); the proposed amendment to Virginia Code Section 16.1-301 related to the confidentiality of juvenile law enforcement records including vehicle accident reports; funding rental increases and capital expenses for the Hampton Health District; a charter amendment related to elections changes; expanding access to the African American Historical Cemeteries and Graves Fund; and creating broader authority to use photo monitoring systems to enforce traffic light signals.

Mr. Reed shared two new priority policy positions. First, supporting an effort to amend the Conflicts of Interest Act. This would amend the Code of Virginia to exempt payments and gifts made by unit of Government on behalf of its own officers and employees. Second, supporting a request for a Joint Legislative Audit and Review Commission (JLARC) study to consider the structure and resources of health districts across the Commonwealth. This study would re-evaluate our public health system as it relates to these health districts and would address challenges that exist on a regional level and recommend potential solutions and ways to navigate it regionally through the JLARC study.

Mr. Reed listed the other priority policy positions. They are as follows: supporting building safety efforts across the Commonwealth; continuing to support the preservation and expansion of tree canopy; continuing to support localities resiliency efforts; supporting the Virginia Shoreline Resiliency Fund and Storm Water Local Assistance Fund; continuing to support funding education initiatives; modernizing the Communications Sales and Use Tax; honoring prior commitments to the State Assistance to Local Police Departments known as the 599 Program; refraining from passing any unfunded mandates and constitutional inequities that may exist coming from the General Assembly; refraining from undue burden on the taxation side that would have an adverse fiscal impact on the City; posing increased tipping fees on solid waste; support and increase staffing at the Hampton Roads Regional Jail; and supporting the Virginia Air and Space Science Center through its STEM Program.

Mr. Reed shared the following list of coalition and community partners whose legislative agendas are supported by Hampton: The Hampton Roads Planning District Commission, the Hampton Roads Transportation Planning Organization, the Hampton Roads Transportation Accountability Commission, the Transportation District Commission of Hampton Roads, Hampton Roads Transit, Hampton Roads Military and Federal Facilities Alliance, the Virginia Municipal League, Virginia First Cities, Hampton University, Hampton/Newport News Community Services Board, Hampton Roads Regional Jail, the Fort Monroe Authority, the Chesapeake Bay Foundation and the Virginia Seafood Agriculture Research and Extension Center.

Mr. Reed stated that the priorities and positions the City has align to those of the Virginia First Cities and the Virginia Municipal League. We will be working through those partners at the state level to ensure that the City's positions are articulated and that our delegation understands where the City is trying to move forward.

Mr. Reed opened the floor for questions. No questions were posed. Vice Mayor Gray thanked Mr. Reed for the presentation and the work he does for Hampton.

Ms. Bunting reminded everyone that the purpose for today's presentation was to highlight the items prior to adoption this evening.

2. [21-0306](#) Mary W. Jackson Neighborhood Center Update

Attachments: [Presentation](#)

Ms. Bunting introduced the item and added that today's presentation will provide an update on the status of the building and the outdoor improvements at the Mary W. Jackson Neighborhood Center. She also recognized some of the neighborhood members who were in attendance including the President of the Civic Association, Donna Little.

Director of Parks, Recreation & Leisure Services, David McCauley, greeted those on the dais and acknowledged the many community members and staff members who worked diligently on the project.

Mr. McCauley began reviewing the slide presentation which provided some background information about the project and a few images of the former Old Hampton Community Center.

The slide presentation also included images of and information about the three planned construction phases of the project including Phase 1, the design and construction phase (the building, the parking lot and the sidewalks along Lincoln Street); Phase II, the park design process (main park area, outdoor basketball court and interior sidewalks); and Phase III, Future Planning (future planning and infrastructure).

Mr. McCauley paused to announce that Phases I and II will be complete in time for the Grand Opening in May of 2022; however, the playground area and shelters will be constructed in the summer and fall of 2022. The Public Works Department is also pursuing VDOT funding for Phase III (the north/south road connecting Grant to Lincoln Street and the sidewalk and support of utility infrastructure) for FY24. Mr. McCauley also briefly spoke about parking for the facility.

Mr. McCauley returned to describing the images related to Phase 1 and shared that the interior will include a wall graphics display of the history and milestones of the neighborhood to honor the life and legacy of Mary W. Jackson and others.

Mr. McCauley stated that Phase II, the park design process, began with public meetings and surveys resulting in the following neighborhood recommendations: Design as multi-purpose/flex green space using portable equipment as needed for play; include an outdoor basketball court given the new location and proximity to the building; outdoor shelters and performance area is desired for special events; multi-generational playground desired for all ages and with elements for all abilities, ideally with a theme; and shade structures and seating desired throughout the design wherever possible. He then described the images in the presentation related to Phase II.

Mr. McCauley stated that Phase III, future planning, includes road work and utility infrastructure to make way for future residential development and then reiterated that the Public Works Department is pursuing funding from VDOT for this phase with construction estimated to begin in FY 2024.

Mr. McCauley briefly spoke about the ongoing community outreach for the project and then summarized the phases of the project once more. This information is outlined in the final two slides of the presentation.

Mr. McCauley opened the floor for questions.

Councilman Brown complimented Mr. McCauley and everyone who worked on the project and asked a series of questions related to lighted courts; use of shelters; fees associated with the program; and the availability of information about Mary Jackson for those who visit the center.

Mr. McCauley shared the following information. The court is adjacent to the building and the steering committee has expressed a desire for the courts to be lighted. Typically, shelters and other amenities are rented out at our parks and discussions are underway with the steering committee about whether areas of the community center will be rented for use as well. There may be a fee to join the center which will have a mix of programs, some of which may require a minimal fee, for example, a class which requires an instructor. Mr. McCauley noted that this center will model the Y.H. Thomas Community Center.

Executive Director of the Hampton History Museum, Lucy Cochran, added that part of the plan includes incorporating a video of information which will be child-oriented and interactive.

Councilman Bowman complimented Mr. McCauley, his staff and the stakeholders on this project. He noted that he was pleased to see that the mature trees were saved at the site and that additional trees will be added to support the resiliency program. He then asked a series of questions related to generators; pickle ball accommodations; and the materials used to build the facility.

Mr. McCauley shared the following information. Most facilities of this nature do not have generators with the exception of one which is used as an emergency operation center. There are no plans for this facility to have a generator. There will be the appropriate accommodations for pickle ball at the facility. The materials used for the structure are made of wood; the design was selected to be within appropriate cost; it fits the character of the neighborhood; and received approval from Council and the Steering Committee.

Vice Mayor Gray said that he recalled the VDOT funding being in the works for FY26 and asked if this had been advanced.

Ms. Bunting said that Director of Public Works, Jason Mitchell, has worked to take advantage of VDOT pots of money and advancing things as soon as possible.

Mayor Tuck joined the meeting at 1:43 p.m. as agenda item #3 was being introduced, and presided over the remainder of the meeting.

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

3. [21-0313](#) Briefing on the Parking on Lawns Amendment

Attachments: [Presentation](#)

Ms. Bunting introduced the item and said that today, Zoning Administrator, Hanna Sabo, would speak about the tweaks to the amendment; however, Council will be briefed on the grant program in December after the details of that program have been worked out with the Housing Authority partners.

Ms. Sabo greeted those on the dais and reminded everyone that the amendment proposes to ban parking on grass or lawns on residential streets in street frontage yards when street parking is available; it does not require citizens to install new

driveways.

Ms. Sabo shared a few images of examples of parking on lawns and then continued with the presentation. The presentation listed the timeline of City Council and the Planning Commission actions and the goals of the amendment. The goals are as follows: to preserve green area, improve the character of neighborhoods; increase property values; limit the cost burden on citizens; provide necessary exceptions; and provide outreach to the community.

Ms. Sabo also shared the following changes to the amendment: add an exemption for loading or unloading a vehicle; permit existing gravel driveways without a border; and change the effective date to July 1, 2022, allowing staff time to do citizen outreach and inform them of these changes.

The next several slides of the presentation that Ms. Sabo reviewed outlined information about parking on residential lots, permitted exceptions and improved driveways.

Mayor Tuck referenced the type of gravel that withholds thousands of pounds and goes over grass and asked if a citizen would be in violation if their grass grew through the gravel creating an unaesthetic atmosphere.

Ms. Sabo shared that new driveways are required to have a border to avoid this issue; however, an inspector would determine whether a violation exists in the case of an existing driveway. She added that staff would be required to amend the definition if Council chooses to permit the use of this type of material because the definition is specific about not allowing grass or compacted soil as a material on which cars can be parked.

Ms. Bunting reminded everyone that staff's original proposal was to not allow the types of gravel parking situations being described; however, Council indicated that they did not want citizens who already had similar materials in place to have to upgrade their parking lot; therefore staff was attempting to accommodate that but understood the objective was to not have people parking on grass. She noted that staff will direct the ordinance however Council would like.

Discussion took place among staff and the members of Council. Topics of discussion included unfairly burdening the citizens with unfunded mandates with these regulations; determining what constitutes a violation; aesthetics; difficulty in defining what a driveway should consist of (concrete, asphalt, gravel or ribbon); accomplishing the goal while allowing citizens some flexibility; and innovation/language in the ordinance.

Ms. Bunting suggested that staff consult with the legal department to determine flexibility and the best approach to address what Council has articulated. She noted that this may result in postponing the December vote.

The discussion continued. Additional topics of discussion included taking the appropriate amount of time to do this correctly to avoid future Council's potentially having to deal with this again; beginning to solve this problem by requesting citizens to move their vehicles from their lawns to the street if street parking is available; exceptions for citizens who have no adequate on-street parking; the ordinance being designed to avoid any expense to anyone; the grant program designed to assist those who choose to install a driveway; aesthetics (ruts); the lack of a set limited number of cars that are allowed be parked on a front lawn; staffs work to accommodate Council's suggestions and desires; there is no need to postpone the vote further because Council's proposal solves the aesthetic problem; adequate staff to enforce regulations; determining who is in violation or has a legitimate exception; consideration for using a gravel product capable of withholding thousands of pounds, a fire truck, for example; and the need to determine what is perceived as a lawn and a driveway and to create regulations to be enforced fairly based on that information.

Councilwoman Brown shared that in her opinion, Council has already come up a solution which achieves what it set out to achieve.

Mayor Tuck made some comments and then summarized his thoughts saying that citizens will either need a defined driveway on which to park their vehicles; park on the street; or make an improvement to their driveway. He reiterated that the City is accommodating those who do not have access to street parking and are offering grants so that citizens can be in compliance at no cost to them. He added that in his opinion, we should allow for technology, innovation and resilient products as a means to address the issue.

Discussion continued about definitions, requirements and interpretation of the ordinance.

Ms. Bunting reiterated that staff will consult with the legal department about definitions and language included in the ordinance. She also noted that staff will bring the item before the Planning Commission again if needed.

City Attorney Cheran Ivery thanked Council for their feedback on the matter and suggested that this is not the place to have a legal debate about what can and cannot be done. She assured everyone that legal staff has been assigned to codes

enforcement and zoning issues and will consult with the Community Development Department and then return to Council.

Councilman Brown made a few closing remarks about aesthetics in our neighborhoods and then thanked staff for their diligent work on this matter.

4. [21-0314](#) Council Discussion on Procedure for Filling a Council Vacancy

Ms. Bunting introduced the item.

Mayor Tuck congratulated Councilwoman Snead on her election as City Treasurer and wished her well.

Ms. Ivery presented the following information: Councilwoman Snead was elected Treasurer for the City of Hampton in the recent November General Election. As such, she will be required to resign her City Council seat by December 31, 2021, in order to take office as Treasurer on January 1. That resignation will create a vacancy on the City Council for the remainder of Councilwoman Snead's term which runs until December 31, 2024. Under Virginia law, the City Council is required to petition the Circuit Court within 15 days of a vacancy in a City Council seat to request that a special election be held to fill that seat. The Circuit Court is then required to order that the Special Election be held on the date of the next General Election in November. The Hampton City Council is tasked with making an interim appointment for an individual to serve in the vacant seat for one year from January 1, 2022, until December 31, 2022. The remaining two years of Councilwoman Snead's term will be filled by Hampton voters as part of the November 2022 General Election. The Hampton City Charter provides that a majority of the remaining six Councilmembers must appoint an individual to the interim seat within 60 days of the occurrence of the vacancy. If the Council does not do so, then a majority of the judges of the Hampton Circuit Court are required by law to make the appointment to fill the interim seat. There is no legally prescribed process by which the Council must effectuate making the appointment which brings us to the Council's discussion here today.

Members of the City Council shared their suggestions for the process which included some type of application process, perhaps minimum qualifications, an application that is simple, possibly in a similar manner that appointees are selected for boards and commissions, maybe request resumes for Council review, possibly present the interested people for a vote, qualifications and skill sets can be looked at through the process

but not set minimum qualifications which might rule out a candidate, and perhaps having the person in place by January 1st. A special meeting may be required since only one meeting is scheduled in December. The Clerk will attempt to craft an application and time line for review by Council.

Councilwoman Snead abstained from the discussion.

REGIONAL ISSUES

There were no regional issues.

NEW BUSINESS

There were no items of new business.

CLOSED SESSION

5. [21-0305](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A (.1), (.3), (.7) and (.8) to discuss an appointment as outlined on the agenda, to discuss or consider the disposition of real property in Downtown for a public purpose where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the City; to consult with legal counsel employed by the City pertaining to the review of federal and state laws regarding telecommunication/wireless facilities requiring the provision of legal advice by such counsel; and to consult with legal counsel pertaining to actual litigation involving the real and personal property tax exemptions as outlined in Virginia Code §58.1-3606.

A motion was made by Councilmember Billy Hobbs 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, Snead and Mayor Tuck

6. [21-0315](#) Consideration of appointments to Citizens Police Advisory Group (CPAG)

CERTIFICATION

7. [21-0293](#) Resolution Certifying Closed Session

At 5:52 p.m., a motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Snead, 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, Snead and Mayor Tuck

ADJOURNMENT

The meeting adjourned at 5:52 p.m.

Contact Info:

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

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____