



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 Eleanor Weston Brown
Councilmember Steven L. Brown
Councilmember Linda D. Curtis
Councilmember W.H. "Billy" Hobbs
Councilmember Chris Snead

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

Wednesday, April 10, 2019

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

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

Present: 7 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilwoman Linda Curtis

Councilwoman Curtis gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Employee Relations Manager Steve Dennis presented the City with a mock check in the amount of \$255,050.17 which represents the 10,330 volunteer service hours worked for the year 2018.

Mayor Tuck welcomed a number of City volunteers to the meeting and read and presented a proclamation in recognition of National Volunteer Week and Volunteer Month in the City of Hampton, Virginia.

Mr. Dennis and the volunteers who were in attendance were photographed with the

members of Council.

CONSENT AGENDA

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

Approval of the Consent Agenda

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

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

1. [19-0081](#) Approval of the minutes from the legislative session of February 13, 2019.

Item approved.

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

2. [19-0123](#) Resolution Approving Fiscal Year 2019 Second Quarter Budget Adjustments

Attachments: [FY19 2nd Quarter Adjustments](#)

Item approved.

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

3. [19-0137](#) Resolution To Appropriate \$462,251 in Federal Virginia Department of Transportation Urban Construction Initiative Funds to the Bridge Street Bridge Capital Project and Transfer \$9,523 from the Saunders Road Bond Project to the Bridge Street Bridge Project

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

The Clerk read the protocol for public hearings.

4. [19-0131](#) Use Permit Application No. 19-00002: by Juan Carrillo to Permit Live Entertainment 2 In Conjunction with a Restaurant at 2423 McMenamin Street [LRSN: 13002023]

Attachments: [Conditions](#)
[Application](#)
[Staff Report](#)
[Comparison Table](#)
[Presentation](#)
[Conditions - Redline](#)
[PC Resolution](#)

The Clerk read the title for the item.

City Manager Mary Bunting introduced Chief Planner Donald Whipple to make the presentation.

Mr. Whipple shared information about the application including site location and zoning. He also shared information about the Future Land Use Plan and Public Policy (the Hampton Community Plan and the Coliseum Central Master Plan) as they relate to the application.

Mr. Whipple spoke about the conditions associated with the application, most of which align with the City's live entertainment use permits. He shared additional information about live entertainment hours, the floor plan, security (including the number of security personnel) and compliance with applicable laws.

Mr. Whipple stated that staff and the Planning Commission recommend approval of this use permit. He also opened the floor for questions from those on the dais. No questions were posed.

Mayor Tuck opened the public hearing. There were no speakers. Mayor Tuck closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Use Permit be approved with twelve (12) conditions. The motion carried by the following vote:

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

Ordinances

5. [19-0132](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 9-43 Entitled "Development Standards" Pertaining to the Front Yard Setback, Height, and Garage Location in the Infill Housing Overlay

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

The Clerk read the titles for items 5, 6 and 7 and explained that these items are being handled simultaneously and require one joint public hearing, but three separate votes.

Ms. Bunting introduced City Planner Corey Block to make the presentation.

Ms. Block explained that these amendments are being brought forward due to conflicting regulations in the Infill Housing Overlay related to parking, front yard green area, Hampton Redevelopment and Housing Authority requirements and Patternbook requirements. She added that staff is in the process of tweaking the regulations in an attempt to minimize citizens' concerns regarding these variances.

Ms. Block shared information regarding each proposal. Zoning Ordinance Amendment 19-00001 seeks to amend section 9-43 "Development Standards" pertaining to the Infill Housing Overlay by revising height and front yard setback regulations. Zoning Ordinance Amendment 19-00002 seeks to amend section 11-8 "Parking credits, exemptions, and reductions" pertaining to the Infill Housing Overlay by revising regulations such as the reduction of parking spaces. Zoning Ordinance Amendment 19-00004 seeks to amend Section 2-2 "Definitions" pertaining to the Façade Zone - this will allow the façade zone to be created not only from the property line, but also from a setback line.

In response to Mayor Tuck, Ms. Block noted that builders and contractors should be familiar with these terms because these terms are used elsewhere within the Zoning Ordinance and will now also be used in the Infill Housing Overlay.

Ms. Block stated staff and the Planning Commission recommend approval of these items.

In response to Mayor Tuck, Ms. Block explained that on a small lot (such as 40 feet) there is no room to include a drive isle because the side setbacks are maxed out; therefore, it must be in the front yard. Whereas, in the larger lots the side setback is not maxed out leaving more room for a driveway on the side of the property.

Mayor Tuck opened the joint public hearing on items 19-0132, 19-0133 and 19-0135. There were no speakers. Mayor Tuck closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

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

6. [19-0133](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 11-8 Entitled "Parking credits, exemptions, and reductions" Pertaining to Parking Exemptions and Reductions in the O-IH - Infill Housing Overlay

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

This item was handled simultaneously with item 5.

Mayor Tuck opened the joint public hearing on items 19-0132, 19-0133 and 19-0135. There were no speakers. Mayor Tuck closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Eleanor Weston Brown, that this Zoning Ordinance - Text be approved. The motion carried by

the following vote:

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

7. [19-0135](#) Ordinance To Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled “Definitions” By Amending Section 2-2 Pertaining To The Façade Zone

Attachments: [Presentation](#)
[ZOA 19-00004 Ch2 Facade Zone Def. Redline](#)
[PC Resolution](#)

This item was handled simultaneously with item 5.

Mayor Tuck opened the joint public hearing on items 19-0132, 19-0133 and 19-0135. There were no speakers. Mayor Tuck closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis seconded by Councilmember Eleanor Weston Brown, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

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

8. [19-0134](#) Ordinance To Amend And Re-Enact Chapter 1 Section 1-23 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled “General Provisions” By Amending Section 1-23 Pertaining To Projections Allowed in Yards

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

City Planner Corey Block explained that this is a housekeeping amendment to codify an interpretation which amends the “General Provisions” pertaining to projections allowed in yards. She showed a diagram which depicts the proposal as it relates to encroachments, stairs and setbacks.

Ms. Block stated that staff and the Planning Commission recommend approval of the item.

Mayor Tuck opened the floor for questions from those on the dais. No questions were posed.

Mayor Tuck opened the public hearing. There were no speakers. Mayor Tuck closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Eleanor Weston Brown, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

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

PUBLIC COMMENT

The Clerk read the protocol for the public comment period.

Ms. Michelle Handy greeted those on the dais and made the following statement: I am a United States Marine Corp veteran where I worked in procurement with government contracts. I'm also a Virginia high school league basketball official and have officiated for schools in the Peninsula District, the Bay River District, recreational basketball for the City of Norfolk, the City of Newport News and the City of Williamsburg, and I have never experienced a payment issue for services provided. Hampton Parks and Recreation conducts business with a company that has not paid officials for the services that have been provided. Several officials will not work for the City of Hampton because they have a reputation of not paying the officials. To the Mayor and the other Councilmembers, I have three questions. 1. Is it no longer a requirement to have a valid business license; a valid LLC with the State Commission Corporation to conduct business in and with the City of Hampton? 2. Is it no longer a requirement to solicit bids for contracts that exceed a certain dollar threshold for services? 3. Is it okay to use tax dollars to pay a company that has neither a valid business license nor a valid LLC for three consecutive years?

Ms. Bunting commented that this is the first time she has been made aware of the issue and assured Ms. Handy that she would follow up with her and the City's Parks and Recreation Department to determine what is happening. She clarified that the City does expect businesses to have a business license and meet compliance requirements to do business with the City. She thanked Ms. Handy for bringing the issue to our attention and reiterated that staff will follow up with her regarding the

matter.

Prior to giving his statement, Mr. James Braxton thanked Councilman Hobbs and Councilman Brown for their influence to help shape his life as a young adult.

Mr. James Braxton greeted those on the dais and made the following statement: I am the Strategic Engagement Director for RISE for Youth (which stands for Reinvest in Supportive Environments). We are a Statewide non-partisan juvenile justice reform initiative that believes prisons don't work, especially for youth. We advocate for the closure of juvenile prisons throughout Virginia and challenge the State to reinvest those funds back into the impacted communities youth are coming from. Our work began as a result of a national study conducted in 2015 by the N. E. Casey Foundation on the juvenile justice systems in the nation. Virginia claimed its fame as one of the top five worst justice systems as we led the nation in referring students to law enforcement with the top three highest recidivism rates and spending upwards of \$214,000 a year per youth to keep them incarcerated. This discovery also shed light on the alarming rate of racial and ethnic disparities that clearly marginalize youth of color in the justice system as we refer to the data resource guide provided by the Department of Juvenile Justice (DJJ) each year. Thoughtful collaboration and aggressive advocacy led to the beginning of the much needed transformation for the Department and since then continue to support the DJJ transformation along with the \$40 million reinvestment into the continuum of care created by the closure of Beaumont Juvenile Correctional Facility in June of 2016. Virginia is without a doubt moving in the right direction, but there is still much work to be done. Referring back to the data resource guide and analyzing its most current data, it shows Hampton Roads' communities lead the State in the number of youth committed to secure care. Newport News and Norfolk being the top two. I am a proud native of Hampton Roads having grown up in various neighborhoods throughout the City. After my parents divorced, I began to move around the City a lot more. I struggled with my anger and frequently opposed authority leading to my expulsion from middle school, being kicked out of my mother's home, barely graduating high school, surviving a suicide attempt, and later being arrested in 2005 with three other men for attempted robbery, possession of a sawed-off shot gun and possession of a firearm. I sat in Hampton City Jail for months awaiting a bond reduction hearing and when I (was) released, I began a stressful and grueling two-year trial. I was at my lowest point and it was at that moment God sent me a lifeline in the form of an opportunity that changed my life. I was given the opportunity to work as a pediatric dental assistant and was hired and trained by now retired Dentist Dr. Tabb-Reid at her private practice in Hampton. That opportunity showed me that I can do anything beyond all barriers, and shortly after that experience, I discovered my purpose in youth development and community outreach which led me to serve as an area director with the Boys and Girls Club of the Virginia Peninsula for Marshall

Courts, Lassiter Courts and Lincoln Park units for several years. What brings me home is knowing the pain and trauma our families and youth experience daily - knowing the countless hours our City-led and grass-roots- led initiatives spend serving our families and knowing it's still not enough. On behalf of Rise for Youth, I offer our public pledge to stand beside you in this fight for our youth and families advocating for all the national, Statewide resources our families need and deserve which most times we can't access because we simply don't have the right relationships or speak the desired language of funders. We pledge to assist in bridging those gaps by partnering with organizations like Sister to Sister, The Catalyst Effect, Mothers of Murdered Sons and Daughters and the We Are Program to help build their capacity to serve. In closing, I would like to share with each of you individually a unique and extremely time-sensitive opportunity our City has to access State resources that can change the trajectory of young peoples' lives, but the problem is we don't know about this opportunity because the State chose not to offer it to us. I look forward to sharing more information with you upon your request. Thank you for this time to speak tonight.

Ms. Lakesha Brown-Remfro greeted those on the dais, thanked them for all they do and then made the following statement: I am a local business owner here in Hampton, Virginia. I'm very proud to be. I would like to ask if you all would consider the area behind the parking lot in Phoebus. As we all know, Phoebus is growing and parking is getting smaller for everyone. Behind the post office which is at 102 East Mellen Street, in Hampton, Virginia, there is a space owned by the City and I think it would be really beneficial to the area for us to have parking in that space. Thank you.

Ms. Tanecia Willis greeted those on the dais and made the following statement: I am piggybacking off of Lakesha's comment as well for suggested additional parking in Phoebus. It is thriving. It is growing. With growing businesses and growing community comes people and cars. So, I just wanted to see if you guys would consider that area behind the post office as well.

Ms. Bunting commented that she has asked Assistant City Manager Steve Bond to speak with Mr. Braxton for additional information as the City is always interested in partnering with any organization willing to help the City address youth violence and get our youth on a positive path. She thanked Mr. Braxton for his passion and willingness to come forward. She also noted that staff will look into the request regarding additional parking opportunities in Phoebus (a good problem to have).

GENERAL ITEMS

Ordinances

9. [19-0140](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 37, Titled "Taxation," Article II, Titled "Real Estate Taxes," Division 6, Titled "Deferral or Freeze for Elderly and Disabled Persons" Section 37-119 Regarding Income Thresholds Applicable to Qualification

Attachments: [Redlined Ordinance](#)

Mayor Tuck explained that the purpose for this Ordinance is not to eliminate the tax exemption that many of our seniors currently receive; instead, it is to expand the program to ensure that the individuals who receive increases in their income in programs such as Social Security do not get removed from the program.

The Clerk read the title for the item.

Ms. Bunting reiterated the purpose of the Ordinance and provided additional information about the process.

Councilman Brown commented that he is passionate about helping senior citizens in our community and this is a great thing for our City.

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

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

Resolutions

Appointments

The Clerk read the motions required for the appointments.

In response to Mayor Tuck, the Clerk explained that traditionally the Mayor does not hold a position on the Virginia Municipal League Policy Committee. Councilwoman Snead noted that since she is currently on two committees, she will inform the Legislative Committee of his interest in being appointed in her place.

10. [19-0102](#) Consideration of appointments to Hampton Economic Development Authority (EDA)

A motion was made by Councilmember Linda Curtis that Scott Seymour be reappointed to a second term expiring on March 31, 2023. The motion carried by the following vote:

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

11. [19-0103](#) Consideration of appointments to Board of Review of Real Estate Assessments

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 4/24/2019. The motion carried by the following vote:

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

12. [19-0104](#) Consideration of appointments to Citizens' Engagement Advisory Review Commission (CEARC)

A motion was made by Councilmember Curtis to reappoint Shawn O'Keefe and Corey Palmer to a second term expiring April 30, 2024 and Dwain Alexander to a partial term expiring April 30, 2024. The motion carried by the following vote:

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

13. [19-0105](#) Consideration of nominations to the Virginia Municipal League 2019 Policy Committees

A motion was made by Councilmember Linda Curtis that the following appointments be made:

Billy Hobbs - Community and Economic Development
Eleanor Brown - Environmental Quality
Chris Snead - Finance

Linda Curtis - General Laws
Steve Brown - Human Development and Education
Jimmy Gray - Transportation

The motion carried by the following vote:

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

14. [19-0109](#) Consideration of an appointment to Hampton Clean City Commission (HCCC)

A motion was made by Councilmember Linda Curtis that Chris Grady be appointed to a partial term expiring December 30, 2022. The motion carried by the following vote:

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

15. [19-0110](#) Consideration of appointments to Hampton Senior Citizens Advisory Committee

A motion was made by Councilmember Linda Curtis to appoint Linda Kindred to an initial term expiring on April 30, 2023. The motion carried by the following vote:

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

16. [19-0112](#) Consideration of appointments to Parks & Recreation Advisory Board

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 4/24/2019. The motion carried by the following vote:

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

17. [19-0126](#) Consideration of appointments to Building Code Board of Appeals

A motion was made by Councilmember Linda Curtis that Guy Sager, Jr. be appointed to a term expiring April 30, 2024. The motion carried by the following vote:

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

18. [19-0142](#) Consideration of appointments to Thomas Nelson Community College Board of Trustees

A motion was made by Councilmember Curtis and seconded by Councilmember Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 4/24/2019. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting reported that Hampton's Community Rating System (CRS) rating has improved so many households that Hampton will receive increased discounts on their flood insurance premiums. She also gave a brief report on the City Manager's Recommended Budget which was fully explained in the afternoon work session. She also announced that the public hearing on the budget will take place on April 24, 2019, with the first reading being on May 1, 2019, and the budget adoption scheduled on May 15, 2019.

MISCELLANEOUS NEW BUSINESS

Councilwoman Snead complimented the City Manager and staff on the excellent work on the recommended budget which spread some of the economic improvement around in good ways without

any tax increase.

Councilman Hobbs shared that there will be the Grassroots Race (three divisions) at Langley Speedway tomorrow night at 7 p.m. A pre-state qualifier race will take place at Hampton's BMX track at Gosnold's Hope Park on Friday night with the actual qualifier taking place on Saturday at 1 p.m.

Mayor Tuck expressed the Council's condolences to the family of Tom Hunnicutt, who passed earlier this week. Mr. Hunnicutt made significant contributions to the City of Hampton.

ADJOURNMENT

The meeting adjourned at 7:26 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 _____