



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

Wednesday, September 9, 2020

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

DONNIE R. TUCK PRESIDED

INVOCATION - Councilmember Billy Hobbs

Councilman Hobbs gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

There were no comments by the Mayor.

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 Brown, and seconded by Councilmember Snead, 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. [20-0231](#) Resolution Requesting that the Virginia Department of Transportation Program Incorporate Three New Capital Projects into its Six-Year Improvement Plan

Item approved.

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

2. [20-0220](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the 2020 Local Emergency Management Performance (LEMP) Grant Awarded through the Virginia Department of Emergency Management

Attachments: [Allocation Letter](#)
[Grant Application Forms](#)
[Grant Routing Forms and Grant Proposal Overview Forms](#)

Item approved.

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

3. [20-0228](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the FY 2020 Violence Against Women's Act ("VAWA") Program - Prosecution Grant Awarded by the Virginia Department of Criminal Justice Services

Attachments: [2020 Award Letter](#)
[2020 Grant Application](#)
[Certification Form/Conditions](#)
[Routing Sheet/Emails](#)
[Grant Overview](#)
[Underserved Data](#)
[Award Letter - Re-upload](#)

Item approved.

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

4. [20-0230](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the FY21 Fire Programs Aid to Localities Funds from the Commonwealth of Virginia, Department of Fire Programs

Attachments: [FY21 ATL Allocation Report](#)
[FY-2021-Disbursement-Schedule ATL](#)

Item approved.

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

5. [20-0233](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the FY 2021 Virginia Domestic Violence Victim Fund ("DVVF") Grant Awarded by the Virginia Department of Criminal Justice Services to the City of Hampton, Virginia

Attachments: [FY21 Award Letter](#)
[FY21 Grant App Cover Sheet](#)
[FY2021 Grant Overview](#)

Item approved.

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

6. [20-0237](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the FY 2020 Coronavirus Emergency Supplemental Funding Program Grant Awarded by the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance

Attachments: [Award Report](#)

Item approved.

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

7. [20-0213](#) Resolution Approving the Fiscal Year 2020 Third and Fourth Quarter Budget Adjustments

Attachments: [FY20 3rd Quarter Budget Adjustments for City Council ACTION](#)
[FY20 4th Quarter Budget Adjustments](#)

Item approved.

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

8. [20-0224](#) Approval of the minutes from the work and legislative sessions of August 12, 2020.

Item approved.

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

PUBLIC HEARINGS

The Clerk of Council read the protocol for public hearings.

Ordinances

9. [20-0252](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 2-2 Entitled, "Definitions" Pertaining to Green Area

Attachments: [Street frontage yard graphic](#)
[Redline](#)
[Presentation](#)

The Clerk of Council read the titles for items 20-0252, 20-0253, 20-0255 and 20-0254.

Ms. Bunting noted that the presentation will cover each of the items read into the

record by the Clerk; however, individual votes are required for each item.

Zoning Administrator Hannah Sabo greeted those on the dais and began presenting on the amendments related to residential green area and parking on lawns. Ms. Sabo provided background information about the subject matter and then listed the goals associated with the amendments. They are: to reduce impervious area; to preserve green area; to improve character; to limit cost burden; and to provide necessary exceptions.

Ms. Sabo shared a few examples of what parking on lawns looks like and an example of what is considered green area.

Ms. Sabo spoke about the regulations that other jurisdictions in our region have for parking on lawns and impervious areas on residential lots.

Ms. Sabo provided definitions for and examples of the following terms associated with the amendments: street frontage yard; green area; impervious surface; improved surface (related to driveways); and driveway.

Ms. Sabo provided information about regulations for parking on residential lots and announced that these regulations will take effect on July 1, 2021. Exceptions to the regulation include: the block prohibits parking on the street; City approved special event permit; street closure; street sweeping/maintenance; flooding or other severe weather events; when washing cars; and when either side of the adjacent street is labeled as no parking permitted.

In response to Mayor Tuck, Ms. Sabo explained that staff would either use the Geographic Information System (GIS) or survey the area to determine lot size.

Ms. Sabo shared examples of various lot sizes/ street frontage yard space and the green area requirements (percentages) for a single family dwelling in R-11, R-13 and R-33 districts.

Ms. Sabo reviewed a chart which clarifies green area requirements (the required minimum/percentage of green area based on street frontage yard space). This requirement becomes effective upon Council adoption.

Ms. Sabo spoke about how requirements are regulated and stated that a zoning permit will be required for all new impervious area. She also noted that new single family dwellings are currently required to have a driveway and most R districts require a driveway for a new building.

Ms. Sabo shared the enforcement and notice of violation process.

Ms. Sabo added that the amendments include two housekeeping items related to the removal of the duplicative green area requirement in the infill housing overlay and the reorganization of Section 1-30. These changes make the ordinance easier to read and more user friendly.

Ms. Sabo concluded the presentation; noted that there were a number of citizens who supported both sides of the issue; and announced that staff and the Planning Commission recommend approval of items 20-0252, 20-0254 and 20-0255. Staff also recommends approval of item 20-0253; however, a recommendation was not forwarded by the Planning Commission on this item.

Ms. Sabo opened the floor for questions from those on the dais. No questions were posed.

PUBLIC HEARING:

The Mayor opened the public hearing.

Ms. Judy Richardson greeted those on the dais and read the following letter: Dear City Council Members, I have read over the zoning ordinance amendments for the September Council meeting. I am disappointed that City Council would consider these amendments to complicate the lives of the residents of Hampton during a pandemic. The changes that are proposed will cause the citizens to have undue hardships. I would presume that most residents pay their taxes. Landlords who haven't received rent in the last nine months will have to deal with changes. Residents who haven't had the money to make rent and taxes, as well as seniors who are on a fixed income will have hardships. Those who have lost jobs and work are worried about evictions. We are trying to keep people in Hampton, not send them away. I have ridden through a lot of neighborhoods and all of them have people parking on the grass. There are boats and there are also RV's. This certainly is not the time to cause our residents the kinds of issues to fix driveways, green space, disposing of vehicles, what they can store or keep on their properties. I did not know about the previous discussion groups in 2016. My neighborhood watch group did not have any meetings to discuss these changes in any of the years mentioned. Why are just a few neighborhoods suggesting these changes? All neighborhoods should be involved. It seems like it would be a good idea and plan to discuss all this with the neighborhood watch groups and present to the neighborhoods a plan and their suggestions with their particular neighborhood. Neighbors are trying to get by and now they have to worry about their property. I have read your plan about the goals for helping families to get them back on their

feet and helping them have good jobs and income, so why cause this issue and the hardships on our residents now? So, I would ask that you would not consider these recommendations at this time. I thank you for hearing me.

Mr. Craig Knopp greeted those on the dais and made the following statement: I am also here - I'm not saying to not pass these ordinances. I'm just asking that we have a few more months to, like Judy said, to get with our neighborhoods; allow us to have discussions; and then come back to the City Council with items that we have found that we may be troubled by or items that we do like or items that we don't see in there that maybe we would like to have put into the ordinances themselves. I'm also new to this. We may have had discussions on this with community members, but I'm asking that maybe we have a few more meet ups with the communities in different sections of the City to discuss this a little bit further as well. Also, I don't know if the slideshow was already listed on the agenda, but I did not look. If it was, that is my fault. But, I do have some questions on a lot of stuff that was inside of there. I don't fully understand everything. I do have a couple: The survey cost. When you were saying people have to come out for the survey. Would that be at City or taxpayer? Also, the greenage areas, is that going to be just on new property or existing properties? Do they have to meet those greenage areas? I kind of got lost a little bit with the zoning permit and the Chesapeake stuff. I still have a lot of questions on it and I was just wondering if we could have some meetings on it to discuss a lot of this stuff and maybe have a little more in-depth on the slideshow itself. That's all I have. Thank you.

Ms. Zina Middleton greeted those on the dais and made the following statement: I'm a Hampton resident. I do believe that the proposed zoning ordinance amendment would pose a hardship on residents with more than one vehicle. In older neighborhoods, those neighborhoods don't have a lot of on-street parking and as one of the speakers said earlier, in the pandemic, there are other challenges - financial burdens on families, and while on this subject, this amendment is for residents, but what about the commercial properties where cars are just parked on green areas. I've spoken to a number of folks in the zoning department and I do realize that they are working on zoning for commercial properties. In the Daily Press, it indicated that the City officials said that the law would help maintain the neighborhood appearance, keep property values up and boost resiliency for waterways because planted lawns and gardens absorb the filtered water. Well, again, we have car dealerships all up and down Pembroke (Ave.) that just park. I think that if the burden is going to be placed on residents, it should also be placed on the commercial. Thank you for your time and consideration.

Ms. Sandra Marshall greeted those on the dais and made the following statement: I've been a Hampton resident for 56 years. This is regarding the complaints from

neighborhood associations. I feel like this should not be a city-wide of an issue. If there are neighborhood associations, that is an issue between the residents of that HOA; it shouldn't be city-wide. I'm with Craig and Judy. I'm also new to this. I'm just learning about it, so I do have questions as well. I don't totally agree with all of this. I also agree that with the hardships that many are facing right now due to the Coronavirus that this is not the time to implement changes that would financially further burden citizens of Hampton. Just picking up my mother tonight, she's in an older neighborhood, I saw several homes that would have to make changes for a driveway and it is just not the time. So, I would just ask that you would please not consider this at this time and perhaps maybe a few more meetings in where people can get involved and talk to their neighbors. I would just ask that you not consider it at this time. Thank you.

The Mayor closed the public hearing and opened the floor for questions or comments from Council.

Councilwoman Snead commented that during her campaign, she took pride in stressing the importance of the utopia of neighborhoods and that Hampton has some of the most pristine neighborhoods regardless of size. She also emphasized the importance of citizens taking pride in their neighborhoods otherwise property values will be lowered. She stated that she understands everyone's concern and agreed that the timing is not right, but believes in this ordinance; therefore, she would like to defer the item until after the pandemic.

Councilwoman Brown thanked staff for their hard work in this area.

Ms. Sabo and Deputy City Attorney Bonnie Brown clarified what Council will be voting on for each item.

Following the public hearing, a motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text 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. [20-0253](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Impervious Area and Minimum Green Area Requirements for All One and Two Family Residences

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

Councilwoman Snead expressed concern that this will require citizens to spend money; that there is no program in place to assist those who cannot afford this; and that there are too many questions that still need to be answered. For these reasons, she suggested deferring the item which will allow time for citizens to return to their associations and for the City to derive to a plan to help those who may need assistance.

Councilwoman Brown thanked the citizens who offered their insight. She agreed that citizens need more time to get a better understanding about the issue and that this is a difficult time to handle this type of business. She assured everyone that Council is sensitive to any hardship that any ordinance may cause, but Council is also obligated to consider the tax base and housing preservation. She supported deferring the item to allow citizens time to gain knowledge, keeping in mind that work needs to be done to address blight and preserve property values. She added that the exceptions should help and then clarified that she supports the ordinance, but also supports deferring to a timeframe when the Governor releases the state of emergency due to COVID.

Mayor Tuck suggested that there should be a standard to regulate paving entire yards.

Ms. Sabo clarified that deferring item 20-0253 would also defer the green area requirement.

Mayor Tuck added that there are many aspects of the issue that need to be considered otherwise we may find our City as one where people may hurry to pave and create more impervious space.

Vice Mayor Gray agreed with deferring the item to allow citizens time to prepare and provide more input; however, suggested the issue gets addressed soon in an attempt to improve home values. He noted that we have been working on the issue since 2012 and then concurred with Mayor Tuck about the additional concerns which need to be taken into consideration.

Councilman Bowman expressed concern that homeowners will be required to spend approximately \$600 to meet this requirement and that some citizens cannot afford it; therefore, he cannot support it. He commended staff for working on this including coming up with exceptions, but he does not think it goes far enough.

Councilman Brown referenced conversations from the Planning Commission on this topic; suggested that this is something that could be handled on a case by case basis; agreed that there needs to be an assistance program for those who are unable to afford it; and agreed that the ordinance is necessary, but everyone may not agree on the details. He supported deferring the item, thanked staff for their work and expressed the importance of the integrity of Hampton's neighborhoods. He also agreed that something needs to be done as soon as possible once citizens have had an opportunity to gain knowledge and return to Council.

In response to Councilman Brown's question about how this will affect the RV ordinance, Ms. Bunting clarified that the RV ordinance will be handled separately.

Ms. Bunting also made a few suggestions for the timeline of handling these items once citizens have had an opportunity to gain more knowledge about the matter and once the COVID crisis has become more manageable.

Ms. Bunting ensured everyone that neither staff nor Council wants to put a financial burden on the public and clarified that there is no requirement to put a driveway on any property. She also briefly reminded everyone of some of the other parking and paving options available to our citizens, including the handicapped.

Councilman Brown suggested that staff contact those communities who have expressed a need for more information. He also requested that Council be made aware of the input provided by those communities who have already had these types of conversations.

Councilwoman Brown said that there appears to be misunderstanding in the community about the impacts of this and encouraged citizens to reach out to staff and/or Council for clarity. She also reminded everyone that citizens were not expected to make changes until July of 2021 which may have been another misunderstanding in the community.

Mayor Tuck reminded everyone that staff and Council have created assistance programs in the past, such as tax payment deferrals and grants for small businesses, therefore, Council has the potential to create a fund or grant to assist those who need financial assistance for this purpose.

Following the public hearing, a motion to defer action on this item until July of 2021 was made by Councilwoman Snead, and seconded by Councilman Hobbs, and was rescinded prior to a vote.

There was further discussion of this item by Council.

Following the discussion, a motion was made by Councilmember Eleanor Weston Brown and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be deferred indefinitely. 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. [20-0255](#) 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 Green Area in the Infill Housing Overlay District

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

There was a joint presentation and public hearing on items 9 - 20-0252, 10 - 20-0253, 11 - 20-0255, and 14 - 20-0254.

Following the public hearing, a motion was made by Councilmember Eleanor Weston Brown and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be deferred indefinitely. 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. [20-0254](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Notification of Violations for Violations Regarding Vehicles

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

There was a joint presentation and public hearing on items 9 - 20-0252, 10 - 20-0253, 11 - 20-0255, and 14 - 20-0254.

Following the public hearing, a motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text be approved.

The motion carried by the following vote:

Aye: 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Nay: 1 - Councilmember Bowman

12. [20-0236](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia by Amending Section 2-2 Entitled, "Definitions" Pertaining to the Terms Transient, Motorhomes, Recreational Vehicles, and Towed Recreational Equipment

Attachments: [Redline Presentation - Updated](#)

The Clerk of Council read the titles for items 20-0236 and 20-0238 and stated that a joint public hearing will be held on these items. Ms. Bunting noted that the presentation covers both items read by the Clerk; however, individual votes are required.

Zoning Administrator Hanna Sabo presented on the two zoning ordinance amendments related to recreational vehicle regulations.

Ms. Sabo provided a brief history about the topic. She also spoke about current RV regulations and the challenges associated with them including enforcement difficulties, and industry standards evolving over time resulting in current regulations being out of date.

Ms. Sabo shared the community consensus about the current ordinance. It was concluded that the current ordinance did not work and should be repealed. There was also general consensus that large lots should be treated differently than smaller lots; it was important that public safety personnel have access to homes for emergencies; that side yards and corner lots should be treated like front yards; and that motor homes should be separated from other types of recreational vehicles.

Ms. Sabo spoke about the proposed changes to the ordinance. They include: replacing the generic recreational vehicle definition with the terms motorhome and towed recreational equipment (TRE). In addition, the term transient is being removed from the hotel definition so that the term may be used more generally.

Ms. Sabo continued speaking about what is being proposed for the regulation. She shared information about what lots are affected; regulations for lots less than five acres; regulations for lots five acres or greater; regulations for motorhomes or TREs parked in a garage or stored in a shed; and regulations related to where motorhomes and TRE's can be parked.

Ms. Sabo briefly spoke about additional regulations related to the ban on living in a motorhome or TRE; setback requirements; and requirements associated with parking motorhomes and TRE's.

Ms. Sabo reviewed a few examples of street frontage yards and spoke about the proposal for large lots (lots 5 acres or greater and with a 100 foot setback).

Ms. Sabo noted that the proposed regulations will become effective July 1, 2021, allowing citizens time to make improvements or find storage if necessary. She added that staff recognizes that this ordinance is a compromise based on citizen feedback, and that staff carefully considered both sides of the issue and came up with a balanced proposal which has the least amount of regulation while accomplishing the end goal.

Ms. Sabo stated that the Planning Commission and staff recommend approval of items 20-0236 and 20-0238 and then opened the floor for questions. No questions were posed.

PUBLIC HEARING:

Mayor Tuck opened the public hearing. There were no speakers. Mayor Tuck closed the public hearing and opened the floor for questions.

In response to Councilwoman Snead, Ms. Sabo clarified that the new regulation requires all recreational vehicles to be on an impervious surface regardless of the type of recreational vehicle.

In response to Mayor Tuck, Ms. Sabo clarified that there must be a continuous impervious surface for the full length of the area from the sidewalk to the area where the vehicle is parked.

Following the public hearing, a motion was made by Councilmember Chris Bowman and seconded by Councilmember Chris Snead, that this Zoning Ordinance - Text 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

13. [20-0238](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia by Amending Section 1-31 Entitled, "Major Recreational Equipment, Parking and Storage Requirements" Pertaining to Motorhomes and Towed Recreational Equipment and Renaming the Section, "Limitations On Use Of Motorhomes And Towed Recreational Equipment"

Attachments: [Redline](#)
[Presentation Reference](#)

There was a joint presentation and public hearing on items 12 - 20-0236 and 13 - 20-0238. Hannah Sabo, Zoning Administrator, gave the presentation. Following her presentation, a public hearing took place. There were no speakers on these items and the Mayor closed the public hearing.

Following the public hearing, a motion was made by Councilmember Chris Snead and seconded by Councilmember Steve Brown, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Abstained: 1 - Mayor Tuck

Resolutions

15. [20-0232](#) Resolution Authorizing the Execution of a Use Agreement Between the City of Hampton and the Fox Hill Neighborhood Center, Inc. to Use the Fox Hill Neighborhood Center Located at 65 Hall Road

Attachments: [FHNC Agreement 072420 FINAL.pdf](#)

The Clerk of Council read the title for the item.

Ms. Bunting provided the following information regarding the item: This is analogous

to the use agreement the City has with the Y.H. Thomas Board of Directors to govern and run the Y.H. Thomas Neighborhood Center. The City purchased and renovated a former church building for the Fox Hill Neighborhood Center. The community has been active in supporting volunteerism and programming for young people, adults and seniors in the Fox Hill area.

Ms. Bunting added that neighborhood center models rely on volunteerism because it helps increase attendance and participation. She also announced that an active citizen group in the Fox Hill neighborhood is willing to partner with the City on the project. The next step in the process is to legally establish a formal use agreement which is before Council this evening.

Ms. Bunting reminded everyone that a public hearing is required and stated that staff recommends approval of the proposed use agreement.

Ms. Bunting addressed the Old Hampton Neighborhood Center as it is often brought up when other community centers are discussed. She stated that the project is moving forward; is currently in the construction drawing phase; and a similar use agreement will be brought forward once the new facility is built.

PUBLIC HEARING:

Mayor Tuck opened the public hearing.

Mr. Jamie Chapman greeted those on the dais and made the following statement: I live in the Fox Hill section of our City. I speak tonight as president of the Fox Hill Neighborhood Center Corporation in support of your acceptance of the Use Agreement for the Fox Hill Neighborhood Center. Our Executive Committee has thoroughly reviewed the agreement and believes it will serve the City and the Fox Hill community well. The last time I addressed you, I gave the City Council high praise for championing the concept of neighborhood centers and working with an enthusiastic group of volunteers in the Fox Hill region. I remain confident, in spite of COVID-19, that we will be able to create a self-sustaining neighborhood center that will be greatly appreciated by the families and organizations in surrounding neighborhoods. Our chances of success are guaranteed due to the wonderful help of some very talented and dedicated employees of the City. Here's to: Alison Eubank, Jonathan McBride, Tolu Ibikunle, Ana Elezovic, Tina Banks-Gray, Shellae Blackwell, Jason Mitchell, Dave McCauley, Brian DeProfio, Katherine Glass, Ben Naidorf and the numerous support personnel who work behind the scenes to make great things happen. This group of outstanding public servants are from several different departments, but individually and often interdepartmentally, they have helped us move forward. Thank you all. We have also been helped by the Y.H.

Thomas Neighborhood Center. We are grateful to its leaders and staff. We hope to work with the folks at Y.H. Thomas and the emerging Old Hampton Neighborhood Center in the months and years to come. We can help each other learn and succeed. The Use Agreement is between the City and a non-profit corporation, but that corporation is actually a very dedicated group of volunteers from all walks of life in different experiences. Of special note is our Executive Committee of Officers: Brian Roland, Tori Keener, Linda Ware and committee chairs: Katherine Glass, Rudy Hendricks and Teresa Schmidt. These leaders and a cadre of community volunteers have an overall mission. We want to help make our City a better place to work and play, a better place to live, to learn, to feel safe and be healthy. With the City's help, we are on our way of creating a neighborhood center that does all this and more. In closing, the neighborhood center concept is a marvelous strategy to bring services to the citizens of the City of Hampton that minimizes expenditures and maximizes the good will and talents of its citizen volunteers. Adoption of the Use Agreement is the next step. Thank you all very much.

Mayor Tuck closed the public hearing and opened the floor for questions and comments from Council.

Councilman Steve Brown congratulated those from Fox Hill who worked on the project; thanked City staff for their efforts; and noted that he looks forward to participating in the festivities which will take place at the center.

Following the public hearing, a motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, 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

PUBLIC COMMENT

The Clerk of Council read the protocol for the public comment period.

Ms. Katherine Kearney greeted those on the dais and made the following statement: Thank you so much for the opportunity to speak tonight. I do appreciate that. I'm here to represent the Save the Sunset Boat Ramp Group. I wanted to discuss how to define a win-win. I've heard that stated several times and I've often wondered, what does win-win mean? So, I've done a lot of reading. I've done a lot of research. So, I looked back at the City's Master Plan for the Southside of Sunset Creek and in that plan, they discuss that it's a mix of industrial and manufacturing and that has multiple uses, but the plan is for that City to gradually adopt policies to

increase the residential and a mixed commercial use that is water oriented for that area. Also, in the Hampton Parks and Recreation Master Plan of 2020, it was identified that the current ramps that are available in the City are not enough and that two additional ramps are needed to meet the demand to the City. Bluewater offered a proffer and they requested to have two of the parking areas that support the Sunset ramp to be converted to an M2 manufacturing zone, and they also provided an unsolicited offer to purchase the Sunset Boat Ramp that belongs to the public. The residents in the area are concerned because this would increase an industrial footprint in the middle of their neighborhood. I think that a win-win for the residents and for the City of Hampton would be to go with the Master Plan to ensure that there's not an increased industrial footprint in that neighborhood. Also, this Bluewater does have property; they have bought additional property in that area, they have room to put their 200 ton boat lift there without increasing that footprint and the City's able to keep their current boat ramp and use resources to purchase additional ramps that have been identified as a need for the City. Thank you.

Mr. Jeff McMahon greeted those on the dais and made the following statement: I'm here today as a member of the Save the Sunset Boat Steering Group. Even with the City's review of the City's presentation and recent press releases regarding the Sunset Boat Ramp, questions from the public continue to arise. Here are some of the 20 questions that we have received from the 915 members of the Save Sunset Ramp Facebook Group. These are not my questions, these are questions from 915 people who are on this group. We expected that the City's evaluation process of the Bluewater Yachting Center's unsolicited proposal has already explored and answered many of these questions. We do not believe our questions and request for a written response to them will create any additional work for the staff. A written response helps the public do their due diligence in understanding all issues and ensures we are fully participating in the decision-making process and able to provide useful input to our elected Council members. When and how can we get a written response to these questions? That's my first question for you.

Mayor Tuck informed Mr. McMahon that those on the dais do not respond to questions and suggested her provide a copy of the questions to the Clerk. He also assured Mr. McMahon that he would receive responses.

Mr. McMahon read the following questions: (1) What are the specific reasons the Hampton City Manager and Planning Department recommended selling the public boat ramp at Sunset Creek to Bluewater Yacht? (2) How do those reasons reflect the results of Hampton's unsolicited proposal evaluation process? (3) How does the proposed sale of Sunset Boat Ramp and parking lot affect other Hampton businesses? (4) What are the results of the Hampton's economic evaluation of the unsolicited proposal? (5) How does the City feel selling tax-payer citizen water

access benefits residents? (6) Were the Parks and Recreation and the Fire Departments position on the sale of the ramp considered? (7) How will the sale impact our marketing Hampton as a waterfront community with equitable water access? (8) What was this criteria used to select the Fort Monroe ramp as a suitable replacement for the Sunset Boat Ramp? It clearly is not. (9) Who is writing the Task Force summary? (10) If this is good for Hampton citizens, why wasn't there transparency in the process?

Mr. McMahon noted that he skipped a few questions on the list, but would provide the entire list to the Clerk as well as email it to the office.

Mr. Dwayne Cheeseman greeted those on the dais and made the following statement: I'm here with a grave concern over the Sunset Boat Ramp. I've been a Hampton resident for 54 years and the Sunset Ramp was introduced to me when I was 12-years-old in 1975 when my neighbor used to invite me out to go fishing out on the boat, but since then over the last 27 years, I've been a boat owner myself and to me, Sunset is one of the best ramps in this part of the City which I have constantly used. Furthermore, it's a landmark to the citizens who use it. I really can't comprehend how you would sell out to Bluewater to the people like us who use that boat ramp and furthermore, it has two parking areas - you have two sides: a left and right side parallel parking and you have an overflow lot. That overflow lot is also needed also because a lot of times I had to park in that overflow lot and just made it in because after I got parked there was no more overflow. So, I would say, please reserve Sunset Boat Ramp for the citizens of Hampton and for the visitors who come to Hampton. Thank you very much.

Mr. Andrew Wilson greeted those on the dais and made the following statement: I've been using the Sunset Creek Boat Ramp since 2018 and where it is located is a perfect location because it is right there near the Hampton Roads Bridge Tunnel and I use that boat ramp every Sunday and ride out there to Fort Monroe. We have other boat ramps in the City, but the Fort Monroe boat ramp is not all that great. It is not paved. It is more used for kayaks and it's got a floating dock. Dandy Point, that's a little too far away for where most of us ride over to Fort Monroe. Sunset is a great boat ramp, especially for big boats. It's a great location. I've never had any issues there. It has great parking. It has an overflow parking lot. We just ask if you'd keep it open to the public so they can continue to use it. That is all I have. Thank you.

Mr. Craig Knopp greeted those on the dais and made the following statement: Couple of things I want to discuss. I did not realize that we were going to break up the RV along with the greenery stuff the way it was. I did have one question that I would have taken advantage of during the open speech, but maybe the City

Manager might know this question: I saw on the one slide, it showed a TRE in the back yard and it had it X'd out, you couldn't have just the trailer sitting in the back yard in the grass. My question on that was, Do you have to have a full shell driveway or paved driveway or something like that going from the road or somewhere from your driveway all the way back to the back or can you get away with just having a squared-off shelled area with timbers or whatever they were saying for edging that I could just put that trailer on and then be sufficient or do I need a full driveway to where I park it from either my existing driveway or the road. So, that is a question that I do have if I could get an answer, I would appreciate that. One other thing right now is HB513. The House of Delegates just passed this I believe yesterday and basically, it is removing sovereign immunity from our officers. I have issues with this. One thing I like to preach is that if we don't have respect for our officers, then why would people want to respect normal citizens? What I'm asking is that the City use its lobbying powers to lobby against HB513 in the senate and I guess with us, it would be Senator Locke asking her to vote no on HB513. If officers do go above and beyond what their sovereign immunity would cover, there are other legal ways that they can be prosecuted. Thank you.

Ms. Brenda Marks greeted those on the dais and made the following statement: I've appeared before you before in support of Sunset Boat Landing. I still support that, but I appear before you tonight as a property owner and a resident on Marina Road. I want to make it very clear to you all that I think it is great you appointed a committee to try to find another location, but I want you to understand that until this Council and this City recognizes that my property has value and that allowing Bluewater to rezone the parking lot putting there by their own sworn testimony a mini shipyard in my backyard devalues my property. We were not, I can assure you, approached by any member of Economic Development or the Planning Commission when this started. I would like to see your traffic studies that said it wouldn't impact Marina Road. The corner of my lot is run over regularly. I had tried to be a good neighbor to Bluewater and not call the cops every time they hit my fence, but that has changed, and I can tell you the fact that Bluewater is demolishing two buildings with no permits posted. They may have them, but they are not posted. The fact that the City assessed for taxation, the Herbert House for \$3,100 for 17 years after William Jordan spent \$194,000 to repair it and that was only permit. I have Freedom of Information Act requests that are unanswered because of Bluewater. Ms. Bunting has said we are going to work on the reassessment, but it won't start until next year. You may make all of your mistakes for Bluewater, but how about sharing some of them with me so it cuts my costs too. As a last thing before I go, the fact that you all allow the therapeutic recreation center to open for the summer and then decided it's too much liability to open it for the fall, you are doing a disservice to our special needs children and you won't open the parks and you won't open the aquatic center. What is there left for us that you are taking our tax money

for? Thank you.

Ms. Elizabeth Philips greeted those on the dais and made the following statement: I received a copy of the proffer dated May 1. Like everybody else, I spoke and I have watched with frustration, consternation, and now dismay over the lack of interest in the neighborhood and the impact that this choice that you would be making would have on the people who are living peacefully on Ivy Home Road and Marina Road. I have watched, of course the hue and cry with regard to the boat people and I certainly understand their problem, their issues, absolutely, I do, but my husband and I own the property at 42 Ivy Home Road and 44 Ivy Home Road. Our neighbor, Mrs. Feltz, owns the property at 48 Ivy Home Road. Together, the three of us jointly would be the most impacted by your choice to rezone those two overflow parking lots to allow Chris Hall and Bluewater to erect a 35 foot building over my back fence. I can't even believe that the issue on the proffer, #E, says this grantor desires to offer the City certain conditions for the enhancement of the community. I can guarantee you, there is no one who owns property adjacent to what's about to happen (if you approve this) that is going to view this as an enhancement. A 35 foot metal building overlooking my backyard is not an enhancement. It will also devalue our property and impact the salability of it when somebody wants to pull up and see that sitting there. There are many issues that I can take with all of this and the impact it would have on the citizens who live up and down Ivy Home Road and Marina Road. For instance, we have no sidewalk. You increase the traffic, I am told this would be 50-80 new employees; that's 50-80 new cars; that's somewhere between 100-320 car trips additional a day going up and down, in and out, and we have no sidewalks. Big boats on big trailers coming and going - we are used to that, but the S-Curve on Marina Road would be greatly impacted as well as the coming and going trying to walk your dog, your children take a bicycle trip up and down Ivy Home Road. To say nothing of the clamor, the dust, the noise, the venting of fumes out of the building into my backyard. I promise you, this is not an enhancement and I ask you to please in addition to considering the issue of the boat ramp, I get it, but please understand the impact this will have on the neighborhood of Ivy Home Road. Thank you.

Ms. Misty Collins greeted those on the dais and made the following statement: A very dear friend and colleague of mine was the victim of a hit and run on Fort Monroe two weeks ago today. Her name is Kelley and she was someone's daughter, someone's sister, a friend of many, but most of all, she's a mother. Denver, her daughter, is 8 ½ years old. She had her first day of school yesterday without her mother. Right now, as we are here, there is a memorial at the base of the bridge at Fort Monroe. The East Mellen Street Bridge is the two lanes going onto the fort. Right now, there is still damage from the last accident which has knocked down guardrails. There is absolutely nowhere for anyone to safely travel on foot or

via bike. Because of that damage to the bridge, she had to come off the little walkway and that is when she was hit by a vehicle. The individual got out, saw her lying there and got back in his vehicle and left. I talked to Chief Sult earlier and they are working on what they can. What I'm asking you is - you can see the front page is of her and her beautiful daughter; the second page is a memorial that a citizen, Beca Belvin, who lives in Phoebus, did the bicycle. The third pictures are the damage that is currently on the bridge. What I'm asking is that you would consider please, please making the East Mellen Street Bridge, the Mugler Bridge to go one way onto the Fort and the other lane to be bicycle and pedestrian only and if somebody is going out doing whatever they have to do, the major traffic when they leave can be on the Mercury Boulevard exit to get out of the fort. They need to have better lighting. There is a lot of liability for the City for not making this work. So, I just ask you to please consider that. It's a huge loss to all of us. Thank you.

In response to Ms. Collins comments about the bridge at Fort Monroe, Mayor Tuck said that he has met with one of the business owners in Phoebus to consider a number of options, some of which are being implemented by the Public Works Department in an attempt to increase safety in that area. He then called upon City Manager Bunting to address some of the other concerns brought up during the public comment period.

Regarding the bridge at Fort Monroe, Ms. Bunting stated that a one-way bridge is not recommended for a variety of reasons including the impact it would have on emergency services in and out of Fort Monroe and the impact it would have on businesses on Mellen Street and at Fort Monroe at a time when that area is being developed.

Ms. Bunting also listed some of the plans underway to make the area around Fort Monroe safer. They include: installing flashing 25 mph speed limit signs and roadway markings at both entrances of the bridge; installing pedestrian and shared use signs as customers enter the bridge; lowering the height of the bushes and shrubs near the entrance of the bridge to enhance sight distance; installing two additional stop signs on Mellen Street at Willard Street (4-way stops to improve the safety at the St. Mary's School and approach to the Mugler Bridge); and the Hampton Police Division engaging in targeted enforcement during peak travel hours. Ms. Bunting added that all of these things are proactive; however, the tragedy that Ms. Collins spoke of was the fault of the hit and run driver, whom our police department is committed to identifying.

Regarding the rezoning request and sunset boat ramp disposition and associated parking lots, Ms. Bunting reminded everyone that the item has been deferred and that a task force has been developed with the purpose of developing a solution for

another possible ramp as well as solutions to the neighborhood concerns. She clarified that if an acceptable alternative ramp location cannot be determined, the issue of a sale to Bluewater would be moot and there would be no need to delve into the specific neighborhood concerns addressed tonight. She reiterated that if there is no viable site, Council has made it clear that they will not be willing to sell the property and there would be no need to address the properties adjacent to the potential properties that would be sold. Regarding the proffered statements, Council has directed staff that if we find an alternative and advance with Bluewater in the future that we would work on the proffers. Many members of council have indicated that they would not want a 35 foot building on those parking lots. The committee is in a study phase and has identified what they like about the current ramp and what could be enhanced if a new location was determined. She reminded everyone that while the ramp meets many needs of the community, there are limitations such as the lack of permanent restroom facilities and the long road to get to the ramp.

Lastly, Ms. Bunting addressed Ms. Marks' concern related to timing of permits, construction and assessment. She clarified that this is about a component of a larger parcel of property versus a single family home on a single family lot. In the case with the Bluewater properties, the Herbert House does not sit on a single-family lot; instead, it sits on a larger commercial parcel which includes multiple activities. She continued explaining that commercial assessments are more complicated and unfortunately the information Ms. Marks' received from the Assessor's Office was not accurate. She noted that she (Ms. Bunting) has requested an in-depth review of the history of that parcel and that the Assessor's Office is working to update the assessment. Ms. Bunting reiterated that in this case, there is no immediate pending sale or rezoning, and that Council and the public will be updated on the matter once the committee has completed their work.

The Council took a recess from 8:32 until 8:41 p.m.

GENERAL ITEMS

Ordinances

16. [20-0235](#) Ordinance of the Council of the City of Hampton, Virginia, To Continue Emergency Procedures to Ensure Continuity of City Government Caused by the COVID-19 Pandemic

The Clerk of Council read the title for the item.

Ms. Bunting explained that on March 12th, the Governor issued executive order 51

that declared the state of emergency for the Commonwealth arising from the Novel Coronavirus known as COVID-19. In response to that, localities across the Commonwealth adopted continuity of government ordinances, such as the one before Council tonight, allowing localities to handle actions related to the pandemic. She continued explaining that a six month enactment period was placed at that time; however, governmental executive orders are still being received from Richmond, thus action must be taken to extend this continuity of government ordinance. She noted that since there is no specific end date, this will continue until the governor's orders and emergency declaration ends.

Ms. Bunting stated that Council is being asked to adopt this ordinance so that the City can continue to do what is necessary in response to the public health threat and the State order that emanate out of Richmond.

Mayor Tuck opened the floor for questions from Council. No questions were posed.

A motion was made by Councilmember Snead and seconded by Councilmember Steve Brown, that this Ordinance-Non-coded 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

Appointments

The Clerk of Council read the motions required for the appointments.

17. [20-0142](#) Consideration of Appointments to the Building Code Board of Appeals

Attachments: [Burt Application](#)

A motion was made by Councilmember Chris Snead that Carl Burt be appointed to a first term which will expire on June 30, 2025. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Nay: 1 - Mayor Tuck

18. [20-0239](#) Consideration of Appointments to the Finance Committee

A motion was made by Councilmember Chris Snead that William

Andrews be reappointed to a second term ending on June 30, 2022, and that Linda Curtis and Rahzheena L. Steward be appointed to first terms ending on June 30, 2022. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Nay: 1 - Mayor Tuck

19. [20-0240](#) Consideration of an Appointment to the Planning Commission

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 10/14/2020. 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

20. [20-0241](#) Consideration of Appointments to the Citizens' Engagement Advisory Review Commission (CEARC)

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 3/10/2021. 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. [20-0242](#) Consideration of an Appointment to the Peninsula Agency on Aging (PAA)

A motion was made by Councilmember Chris Snead that Thomas Fukawa be reappointed to a second term ending on September 30, 2023. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Nay: 1 - Mayor Tuck

22. [20-0243](#) Consideration of Appointments to the Hampton Economic Development Authority (EDA)

A motion was made by Councilmember Chris Snead that Laura Sandford and George Wallace be reappointed to second terms expiring on September 30, 2024;

The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Nay: 1 - Mayor Tuck

23. [20-0244](#) Consideration of Appointments to the Citizens' Unity Commission (CUC)

A motion was made by Councilmember Chris Snead that Steven Wendell, Ellen Velissarios, and Erica Spencer be appointed to fill unexpired portions of terms until June 30, 2021, and that Malik Perry and Whalan McDew be appointed to first terms expiring on June 30, 2024. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Nay: 1 - Mayor Tuck

24. [20-0256](#) Consideration of Appointments to the Virginia Peninsula Public Service Authority (VPPSA)

A motion was made by Councilmember Chris Snead that Jason Mitchell be reappointed with Barry Dobbins serving as the alternate until September 30 2024. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Nay: 1 - Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

Councilman Brown wished Clerk of Council, Katherine Glass, a Happy Birthday.

ADJOURNMENT

The meeting adjourned at 8:46 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 _____