



# 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 Michelle T. Ferebee*  
*Councilmember Billy Hobbs*

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

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**Wednesday, May 25, 2022**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

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

**Present:** 10 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Steven L. Brown, Councilmember Michelle T. Ferebee, Councilmember Jimmy Gray, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs 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

Mayor Tuck shared that on May 16th, there was a Police Memorial Ceremony held in Honor Park and several life-saving awards were given.

Mayor Tuck announced that last week was Public Works Week and thanked Hampton's Public Works staff for all the great work that they do.

Mayor Tuck also announced that the pilot program to restrict traffic access to I-64 east at Settlers Landing Road has temporarily been placed on hold. The City will not proceed with those closures on June 1, but intends to move forward with them at a later time.

## 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 Hobbs, seconded by Councilmember Brown, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

1. [22-0172](#) Resolution to amend the Fiscal Year 2022 Council Approved Budget and Accept and Appropriate to the Capital Budget (Capital Projects) Fund for the River Street Park Project, \$113,490 Received from the Virginia Department of Transportation pursuant to the Memorandum of Agreement Regarding River Street Park

Item approved.

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

2. [22-0159](#) Resolution Approving Fiscal Year 2022 Third Quarter Budget Adjustments

**Attachments:** [FY22 Third Quarter Budget Adjustments ACTION](#)

Item approved.

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

3. [22-0167](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 37, Taxation, Article II, Real Estate Taxes, Division 1, Generally, Sec 37-31 to Amend the Duration Surplus Funds are Retained by the City

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

Item approved.

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

4. [22-0170](#) Resolution Authorizing the Acceptance of a Gift of Tangible Personal Property Valued at \$17,100.00 from Elizabeth A. Kraft  
Item approved.

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

5. [22-0171](#) Resolution Authorizing the Acceptance of a Gift of Tangible Personal Property Valued at \$7,000.00 from David B. Lankford.  
Item approved.

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

6. [22-0178](#) Approval of the minutes from City Council's special session of May 4, 2022, and the work session of May 11, 2022.  
item approved.

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

Just as the Clerk recorded the votes on the consent agenda, Constable Heartless and Blackbeard's Crew invaded the Council's Chambers and shared information on the upcoming Pirate's Festival (the 21st) which will take place in Downtown Hampton on June 3rd, 4th and 5th.

### **PRESENTATIONS, PROCLAMATIONS, AWARDS**

7. [22-0158](#) Presentation of Award - American Public Works Association Top Ten Leader Award to Scott Smith, Public Works.

Mayor Tuck introduced the item.

Mr. Scott Smith was honored by the Mid-Atlantic Chapter of the American Public Works Association (APWA) as a recipient of the APWA's 2022 Top Ten Leader Awards. The award was presented by Diane Linderman, VHB Managing Director and Former President of the American Public Works Association.

Prior to the presentation, Ms. Linderman shared a bit of information about APWA; it's Top Ten Leader Award; and it's mission which is to support those who operate, improve and maintain public works and infrastructure through advocacy, education and member engagement. Ms. Linderman also highlighted some of Mr. Smith's achievements and accomplishments.

Mr. Smith greeted those on the dais and indicated that he is honored to receive this award and to work for the City of Hampton which has given him the opportunity to pursue his passion in resilience.

### **PUBLIC HEARINGS**

Ms. Glass read the protocol for public hearings.

**Use Permits**

8. [22-0168](#) Use Permit Application by Hampton Yacht Club, Inc. to Operate a Marina at 4706 Victoria Boulevard [LSRN 2003821]

Attachments: [Conditions](#)  
[Application UP22-00003](#)  
[HYC Resolution](#)  
[Staff Report](#)  
[Neighbor Letters](#)  
[Staff Presentation](#)  
[Applicant's Presentation](#)

Planning and Zoning Division Manager Mike Hayes greeted those on the dais and reviewed the slide presentation.

The first portion of the presentation provided information about the application related to site location and the proposal to expand the marina operation to allow youth sailors to store small craft there. Also included in his portion of the presentation were images of the types of crafts that would be stored at this location and some background information about the Hampton Yacht Club and the land acquired for the club.

The next group of slides provided information about the application related to zoning and the Future Land Use Plan and Public Policy as they relate to the application.

Mr. Hayes shared staff's analysis of the proposal. This is a very long standing community institution which expands a water-dependent use with the primary use being small boat storage. Conditions for consideration should limit what type of activities and physical development occur on the property.

Mr. Hayes spoke about the recommended conditions and shared that these conditions were the subject of some discussion at the Planning Commission meeting. Concerns were expressed by the applicant and residents about what staff has proposed to screen the boats, and an agreement was made that that aspect should be removed. In addition, changes were made related to the condition about fences which state if a fence is to be installed, it should be the full wrought iron style and likely of aluminum material. Additional conditions which remain in place include limitations related to activities; active hours and boat size; setback requirements; and limitations related to building size and location.

Mr. Hayes elaborated a bit about another piece that was amended from the original

proposed conditions which is to allow the hours of operation from sunup until 10 p.m. This will allow people extra time to get their boats in order and wind down for the day.

Mr. Hayes stated that the Planning Commission and staff recommend approval of the item with nine proposed conditions.

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

There were no speakers at the public hearing so the Mayor closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Use Permits be approved. Prior to the vote, Councilwoman Brown disclosed that she is a member of the Hampton Yacht Club and, after a consultation with the City Attorney, there is no conflict with her voting on this matter as she can do so fairly, objectively, and impartially.

The motion carried by the following vote:

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

## Ordinances

9. [22-0169](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards on Uses," to Modify Regulations Pertaining to Restaurants, Micro-breweries, Distilleries, and Wineries, and Breweries, Distilleries, and Wineries with Retail Alcoholic Beverage Licenses or Live Entertainment or Outdoor Dining

**Attachments:** [Redline Standard Districts Table](#)  
[Clean Standard Districts Table](#)  
[Redline Special Districts Table](#)  
[Clean Special Districts Table](#)  
[Redline Additional Standards](#)  
[Staff report](#)  
[Presentation](#)  
[CCBID response](#)  
[DHDP response](#)  
[Phoebus Partnership response](#)

There were no speakers signed up for the public hearing.

The City Manager shared that the intent of this change is to streamline things for local businesses but to allow more time for discussion and input, and in response to a request by the Downtown Hampton Development Partnership, it is requested that the item be deferred. As such the staff presentation would be postponed. In addition, no one signed up to speak at this public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Zoning Ordinance - Text be deferred to the City Council Special Session, due back on 7/13/2022. The motion carried by the following vote:

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

## **PUBLIC COMMENT**

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

Mayor Tuck indicated that five individuals had signed up to speak and then called upon the first speaker, Craig Knopp.

Mr. Craig Knopp greeted those on the dais and made the following statement: I just want to come here and talk about all the happenings going on here in the City, while

I'm volunteering, at least, anyhow. It's one of the things I enjoy doing and many other members that are here in the City. Anyhow, this past weekend, we were involved in a couple of clean-ups. We had one Saturday, and one Sunday morning, and I'll tell you what, it was really awesome. We had a lot of people out and about and they were asking questions on how they could get involved. I turned a lot of them towards the Hampton Clean City Commission. Also, I told them that we have several groups that we are involved in with doing community service and I asked them to join us if they want to just come with somebody that maybe was a familiar body or something like that if they didn't want to reach out on their own. Basically, long story short is I just want to let you guys know, we love the City; we are doing everything we can out there as citizens to try to help get everybody out there get involved. As I have noted before, one of our missions that we want to try to get to everybody is that we as citizens can make a difference. We don't have to rely on the City for everything. The City provides us with programs to make a difference in the City. They are out there. We want to make everybody aware of what's going on with them, how to use them and lead them in the right way to use those programs. So, we definitely appreciate that. One of the other things that while we were out on Sunday morning was with the cleanup that we had on Sunday morning. We had a lot of people stopping to ask how they could help. With that group, they have a lot of individuals that go out on a daily basis and like anything else, that can weigh a little bit heavy and get a little weary on them with having to go out there and do constant cleanups on a daily basis. So, what we had proposed to them was if there was something that we can do as the Peninsula Project to help them. One of the things we were talking about is maybe having a little community event in that area of the City to get some volunteers and maybe see if we can help release some of their heartache by maybe making a schedule with maybe like a weekly rotation, biweekly or even monthly rotation. Also, one last thing I would like to do is I would like to thank you guys for bringing back the Blackbeard Festival. I've seen that and my son, he just loves swords. I tell you what, when I take him there, he's going to light up, so that is all I have. Thank you.

Mayor Tuck called upon the next speaker, Japharii Jones.

Mr. Japharii Jones greeted those on the dais and made the following statement: I came here to speak on mainly the topic of Codi Bigsby, but unfortunately, I bring the same issues that I had here on two weeks ago. We've been consistent with City Council meetings since Codi Bigsby went missing over 100 days ago and we've still yet to hear back from not one member of City Council. We've still yet to hear back from Mayor, from Vice Mayor, from anybody and it's been over 100 days, so as draining as it is for you all to hear my voice, it has been as draining for the community to continue to put out efforts to help find a missing four-year-old and you all are literally elected to help to guide, to push the City of Hampton in a positive



direction and a four-year-old missing going national and over 100 days gone past and not one Councilmember having anything to say is disgustingly telling. There is no way to keep coming up here and tap dancing. It's been over 100 days. If it was your child, would you have done anything at this point? You can't even say something about it. What political standpoint would it put you at to speak out against a missing four-year-old? Would it hurt you to champion this campaign? Does it have to be election season? I got off topic with that, but where I came here is Codi Bigsby's father, Corey Bigsby, why has the media only been showing his mugshot? Why aren't they saying that he's a decorated veteran who took four war tours and retired an E-7? He has been in jail ever since he called police to report his son missing and we still don't know why. It's been over 100 days and zero evidence has been produced. If your child goes missing, are you allowed to call the police? So many people wanted to help search for Codi. Why did Hampton Police only allow 50 people during the first 48 hours? There were hundreds. Have you wanted control of the narrative the entire time? Four-year-old Codi Bigsby is still missing, 18 weeks ago as of two weeks ago and in these 18 weeks, the police have completely mishandled this case. One, denied his father the right to an attorney and a right to search for his son. Two, only allowed 50 people to search during the first 48 hours. Three, put the wrong information on missing persons flyer having him 40 pounds heavier than he actually is. Four, lied to the public saying Corey was being held voluntarily. Five, took four hours to come investigate a toddlers jacket found by Kay, right over here. Seven, took four days to come investigate an odor from under a house. Eight, stop searching on the fifth day. Nine, created a dangerous environment for the Bigsby family due to the harsh words spewed by the Chief. Ten (10) threaten to take out charges on BLM 757 for attempting to have a community day. When are you all going to step up and do anything? It's been over 100 days.

Please note that Mr. Jones did not state a part six and moved from part five to part seven.

Mr. Jones' speaking time expired. Mayor Tuck thanked Mr. Jones for his comments and called upon the next speaker, Chris Mathews.

Mr. Chris Mathews greeted those on the dais and made the following statement: I'm here to speak on more volunteer work. The Peninsula Project is going to be celebrating a year anniversary coming up soon, so on June 3, we're going to be holding a cleanup and we're inviting everyone, everyone in another group, everyone as an individual who just wants to get involved. You can find us on our Facebook page at Peninsula Project for all the specifics on our cleanup. But, we'd also just like to connect with more volunteer groups or public services that might have opportunities for volunteers just to make sure that we are doing as much as we can for our City because if we can produce more as volunteers, we have an opportunity

to take the weight off the City that doesn't always have all the resources right up front. I think that's something we can do together. Thank you for your time. Good night.

Mayor Tuck called upon the next speaker, Keitra Coleman.

Ms. Keitra Coleman greeted those on the dais and made the following statement: So, I'm back to talk about Codi. To speak on Codi. To follow what Japharii said because not everything he says is wrong. We are community. This is what our community looks like. This is what a part of our community looks like because a community is a lot bigger than the people that are in this room. As a representative of a community, you have to meet the people of your community where they meet you. We are in the streets. We expect you guys to be in the streets with us. We have searches for Codi every weekend all through Hampton. Last weekend, we had a cadaver dog search, with the City of Hampton's permission. These are things that we do as a community by ourselves. These are things we fund by ourselves. I put in these little packets the date of our next search which is Saturday if anybody would like one to come search with us. Also, we need additional resources to stay in the community because Codi is not the only person missing, and bringing the missing home should be a part and focus of everyone in here. You never know when it is going to hit home. So, what do you suggest we do as a community to stay in the fight to bring missing kids home? People wait a lifetime for moments where a community stands up and stands together in solidarity and they take advantage of those moments and at this moment, I feel like that was not taken advantage of. I think that we have to hone in on the movement that this life, this child, has brought to the City and the way it's affected everyone within the City. Take advantage of it and make it bigger. To whom much is given, much is expected. When you are given this position, we expect from you what you've been given. Just the same way, as a parent, I was given my kids, so I expect to be a parent for them. All we want is for you guys to say his name. You can control the narrative by saying his name; by keeping his name out there. It doesn't take much to do. We as community can't keep it up. If the Chief says he is open to informational policing, we are here. I've tried to make my appointment with him, it actually won't be until the end of June, but we are here. We're the community and we are here. Use us as a resource because you guys don't have those additional resources. Use us as the pedestal to reach the community because you guys can't reach everyone in every part of the community. Make community that community while you control the narrative. We're here. Let us help you and you guys play that and leave that open to help us as well. Don't make it a border between the two of us where we have to fight for you guys to help where...you guys should step in and help anyway. That's all I have to say. Just keep his name out there. Help us help you.

Mayor Tuck called upon the last speaker, Tim Davis.

Mr. Tim Davis greeted those on the dais, provided a hand-out for Council about his ice vending business and then made the following statement: I live in Newport News. My wife and I are owners of a business, an ice vending business.

Mr. Davis paused while Council received the handout and then continued with his statement: The ice vending business is the new model of selling ice in the United States. The leading company of this is Ice House America - with whom we are affiliated. My wife and I have five machines that we own in the Hampton Roads Region. The traditional method of delivering ice to retailers is slowly, but surely moving away to the vending business. Ice House America has over 3,500 ice vending machines across the country, and those are just Ice House America's machines, that's not counting competitor machines as well. It's the second leading retailer of ice products and they sell over one billion pounds of ice a year. The customers love these machines because they are convenient. They produce a high quality product. It's a bagged product that comes out and it's about half the cost of a conventional price of a bag at a convenient store or a grocery store. These machines are free-standing machines. They have the ice maker on top and they store the ice in a stainless steel bin unit. They are about 24 x 8 1/2 feet in dimension. These units are considered a building and they meet the international building code. The machine stores up to 6,500 pounds of ice and they use credit cards and debit cards. We started this business about 12, 13 years ago. We approached the City of Hampton about having these machines and because of the zoning declaration that was given at the time, we were not allowed on commercial properties, but since that time, this business has grown across Virginia, to where now, there are over 35 machines across Virginia that we know of (my wife and I know of). There are others that we may not even know about yet. That's growing every year. There are 12 units in the Hampton Roads Region and there's two in Eastern Shore. The reason I'm approaching you today is to petition you for assistance. We are not allowed on a commercial site. We are only allowed on a manufacturing because the Zoning Administrator...

Mayor Tuck indicated that Mr. Davis' speaking time had expired. Mr. Davis concluded his comments and requested assistance in getting this approved on commercial sites.

## GENERAL ITEMS

### Appointments

10. [22-0130](#) Consideration of Appointments to the Citizens' Unity Commission (CUC)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 8/10/2022. The motion carried by the following vote:

**Aye:** 8 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Councilmember Gray, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

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

There were no reports.

**MISCELLANEOUS NEW BUSINESS**

There were no items of new business.

Mayor Tuck reminded everyone that Memorial Day is this upcoming Monday. He attended a Gold Star ceremony yesterday which is for the families who have lost loved ones in wars and conflicts. This ceremony made it very real that Memorial Day is not just a service at a cemetery, but is also a time to remember those and the family members of those who have given their lives in service to our country.

**ADJOURNMENT**

The meeting adjourned at 7:22 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 \_\_\_\_\_