



Response to Proposed Use Permit Revocation
Presentation to the Hampton Planning Commission

Southern Comfort Restaurant & Lounge



Introduction

- Southern Comfort Restaurant & Lounge appears before the Hampton City Council with a clear purpose: to take full responsibility for the operational failures that gave rise to this proceeding, to demonstrate that meaningful corrective action has already been taken, and to respectfully request the opportunity to continue serving the community under enhanced oversight rather than permit revocation.
- Ownership does not appear here to minimize the City's concerns or dispute the seriousness of what occurred. The incidents described in the Notice of Revocation are unacceptable. They reflect failures in execution that we own entirely — and that we have moved decisively to correct.
- Southern Comfort has operated in Hampton for 5 years, serving thousands of patrons and contributing to the community we call home. We believe the corrective measures already implemented demonstrate our commitment to operating this business the right way — and our sincerity in ensuring these failures are not repeated

Purpose of Presentation

Review

Review the conditions identified by the City as violations.

Provide

Provide context and clarification regarding each Violation.

Present

Present corrective actions already implemented.

Demonstrate

Demonstrate Southern Comfort's commitment to compliance and public safety.



Summary of Corrective Actions Already Completed

Before addressing each condition, we want the Commission to see a clear picture of what has already been done. Not promised but done.

Completed:

- Security personnel who abandoned exterior posts on April 4th have been terminated
- Additional licensed security staff retained for all weekend operations
- Mandatory exterior patrol rotations implemented during all operating and closing hours
- New incident escalation procedures require immediate HPD notification for any criminal, violent, or suspicious activity
- Weekly mandatory security meetings established every Monday — reviewing permit requirements, response protocols, and reporting obligations
- Ms. Martin, Corporal Kennedy, & Lt. Kepler have been designated as primary point of contact for extra duty officer coordination; all scheduling confirmed in writing
- Exterior camera technical issues fully resolved
- RTIC system integration completed
- Window tint removed in full compliance with Condition #4
- staff members have completed additional RSVP and MART training to strengthen responsible alcohol service practices and enhance overall patron safety. This training is intended to reinforce staff awareness, improve recognition of signs of intoxication, and ensure appropriate intervention when patrons should no longer be served alcohol. Our objective is to promote a safe, responsible, and well-monitored environment for all customers and staff.

Video Presentation & Context

- Southern Comfort Restaurant & Lounge recognizes that the video presented before the City Council reflects conduct that is concerning and understandably creates a negative impression. We do not minimize how the footage appears, and we fully understand the City's responsibility to take such incidents seriously.
- At the same time, we believe it is important to provide appropriate context for the Council's consideration. The footage shown represented approximately 30 seconds from the course of an entire eight-hour evening of operations involving a large number of patrons. While the incident was disruptive and unacceptable, no serious injuries were reported, and Southern Comfort was not operating in violation of its required security staffing conditions at the time.
- Importantly, as soon as ownership observed the situation escalating, immediate action was taken to assist in de-escalation efforts, including turning the music off, turning the lights on, and directing security personnel to intervene and restore order. Hampton Police Division personnel were also present on-site during the incident.
- We also respectfully note that the presentation of this video came as a surprise to ownership, as it was not identified among the violations outlined for consideration prior to the hearing. We raise this concern not to challenge the City's process, but simply to ensure the Council has a complete and balanced understanding of the circumstances surrounding the footage presented.
- Southern Comfort fully acknowledges that any disturbance occurring within or around the establishment reflects on the business, and we remain committed to maintaining a safe environment.

Condition #8a, b, c, & e Security



Permit Condition

Security staff must monitor patrons, patrol the parking lot, maintain extra-duty officers after midnight operations, and take reasonable measures to prevent violence.

Response & Corrective Measures

Southern Comfort acknowledges that security operations on the evening of April 4th did not meet the standards and expectations outlined under our use permit. Following a thorough review of surveillance footage, management determined that established security protocols were not properly followed. Specifically, the officers assigned to monitor the exterior parking areas failed to remain in their designated posts and were instead stationed inside the building. As a result, those individuals are no longer employed with our security team. At the time of the incident, staff heard what appeared to be a single gunshot but were unaware that an individual had been injured, as the person involved had already left the area. We became aware of the reported injury the following day and immediately began reviewing our procedures and response protocols. We do not offer this as an excuse. The exterior posts existed precisely to prevent this kind of information gap, and those officers failed to fulfill that responsibility.

Condition #8a, b, c, & e Security cont.

- **Corrective Measures Implemented**
- Management conducted a full review of all use permit requirements with security leadership
- Additional licensed security personnel have been retained for weekend operations
- New incident escalation procedures now require immediate notification to the Hampton Police Division for any criminal, violent, or suspicious activity
- Security expectations and accountability measures have been reinforced with all staff and contractors

Condition #8d Security cont.

Permit Condition

- Contract 2 extra duty officers from Hampton Police Division from 10:30pm until 30 mins after closing on any night when we are open past 12am

What Happened:

- When Southern Comfort was initially provided with the permit conditions requiring off-duty police officers for operations past 2:00 a.m., management contacted the appropriate parties by phone and communicated that, moving forward, the business would require two off-duty officers every Friday and Saturday night.
- We now recognize that those arrangements and confirmations should have been formally documented in writing, and that the lack of written verification created an opportunity for miscommunication and misunderstanding regarding scheduling responsibilities.
- As a result, at the time of the incident, management believed the required extra duty officers had been contracted and scheduled for that evening. That belief was incorrect, and we accept full responsibility for this compliance failure. We understand that believing an obligation has been satisfied is not the same as independently verifying and documenting that it has been fulfilled, and we acknowledge that distinction is where our process failed.

Corrective Actions Taken:

- Ms. Martin, corporal Kennedy, & Lt. Kepler have been designated as our sole point of contact for all extra duty officer scheduling
- All scheduling communications and confirmations are now maintained in writing, creating a clear compliance record
- No qualifying evening will proceed without documented confirmation of officer assignment

Condition #8(f) – Event Notification



Permit Condition

Written notice must be provided to the Chief of Police at least seven days before events in the Event Area.

Response & Corrective Actions

Southern Comfort Restaurant & Lounge recognizes the significance of adhering to the notification provisions outlined within the Use Permit and appreciates the City's interest in maintaining appropriate oversight of events hosted within the Event Area. In response, we have taken steps to strengthen internal coordination and administrative procedures to promote more timely and consistent event reporting moving forward.

Additionally, we respectfully seek further clarification regarding the practical interpretation of the seven-day advance notification requirement. Within the entertainment and hospitality industry, performer appearances and special event confirmations are not always finalized within that timeframe. Likewise, our venue frequently accommodates community-centered functions and private gatherings that arise with limited advance notice due to unforeseen circumstances.

For instance, we periodically receive requests from families seeking to arrange repasts or memorial receptions following an unexpected loss. These occasions are often organized within only a matter of days. As such, we would appreciate additional guidance from the City regarding whether these types of time-sensitive community or private events would remain subject to the same advance notification standard, or whether alternative procedures or reasonable accommodations may be considered under those circumstances.

Condition #8(f) Event Space Usage

Permit Condition

Written notice must be provided to the Chief of Police at least seven (7) days prior to use of the Event Area by patrons.

Southern Comfort Clarification:

The Notice states that a DJ was performing in the Event Area on the night of the incident.

Southern Comfort's Position:

We respectfully submit, for the accuracy of the record, that the Event Space was not open to patrons on the evening of April 4th leading into April 5th. Our review of surveillance footage shows the Event Space remained empty and closed to the public that night. We raise this solely to ensure the factual record is accurate for the Commission's consideration — not to challenge the City's authority or diminish any other aspect of accountability we have accepted in this presentation

Supporting Documentation Available:

- Surveillance footage confirming the Event Space was closed and unoccupied on April 4th is available and can be provided to the Commission or City staff upon request.



Condition #11a – Criminal Investigations

Permit Condition

The permit requires reporting all criminal activity to HPD



What Happened:

On the evening of April 4th, staff heard what appeared to be a gunshot. At that moment, neither management nor security personnel were aware that anyone had been injured. The individual involved had already left the premises. Management learned the following day that an injury had reportedly occurred. I can acknowledge directly: a potential gunshot should have been reported to HPD immediately — regardless of whether staff believed anyone had been hurt.

Public safety reporting is not conditional on certainty about outcomes. That standard was not met that night, and we own that failure without qualification. We also recognize that if exterior security personnel had remained at their posts as required, situational awareness would have been significantly greater, and the likelihood of a timely, accurate report to HPD would have been substantially higher. The security failure and the reporting failure are connected

Condition #11a – Criminal Investigations cont.

Corrective Actions Taken:

- Management met promptly with security leadership to review the incident and establish enhanced accountability
- New incident escalation procedures now require immediate HPD notification for any gunshot, violent incident, or suspicious activity — effective regardless of staff's initial understanding of the situation
- Weekly mandatory security meetings are held every Monday, covering Use Permit requirements, incident response, reporting obligations, and communication standards
- These meetings are documented to create an accountability record and reinforce that every member of the security team understands the gravity of these responsibilities



Condition #11(c) – Surveillance Cameras / RTIC Access

- **Permit condition:** restaurant shall install and maintain 2 external cameras for the purpose of monitoring entryways and provide continuous access to these cameras to RTIC

What Happened:

- Prior to April 4th, Southern Comfort had been notified by our surveillance provider that certain exterior cameras were experiencing technical issues. Management was actively working with the provider to resolve the matter, and documentation of those communications is available.
- Additionally, there was an internal misunderstanding regarding the technical requirements for integrating the exterior camera system with RTIC. We recognize that resolving a technical issue with our provider and ensuring RTIC integration was fully functional are two separate obligations — and we failed to treat them as such.
- **Corrective Measures Implemented**
 - Since the incident, the exterior camera issues have been fully resolved, and the necessary actions have been taken to ensure the system is properly connected and accessible through RTIC moving forward.
 - We have also enhanced our internal oversight procedures relating to equipment maintenance, vendor follow-up, and compliance verification to promote greater operational reliability and reduce the likelihood of similar issues arising in the future.

Condition #4 – Window Transparency



Permit Condition

Tint or coverings that impede visibility into the restaurant are prohibited.

Response & Corrective Action

Southern Comfort was previously advised by the codes & compliance Officer Mr Zimcowsky that tint within the restaurant portion of the establishment was considered acceptable, as that area was not viewed as presenting a visibility concern. Management also understood that the existing hallway and corridor configuration already limited direct visibility into the lounge area irrespective of the window tint.

Nevertheless, we recognize that it was our responsibility to seek formal clarification and confirmation from the City to ensure complete compliance with all applicable Use Permit conditions. We understand the importance of maintaining clear communication and avoiding assumptions regarding operational requirements.

In response to the concerns raised, the tint has since been removed. However, we would respectfully appreciate additional guidance from the City regarding what alternative measures, if any, may be permissible moving forward. During certain periods of the day, significant direct sunlight enters the restaurant, impacting guest comfort and contributing to elevated indoor temperatures. Previously, the tint and window coverings assisted in improving the customer experience while also supporting temperature regulation and energy efficiency within the establishment.

Our objective is to remain fully compliant while continuing to maintain a professional, comfortable, and safe environment for both patrons and staff.

Calls for Service & Public Safety Context



- **Review of Calls for Service History**
- Southern Comfort Restaurant & Lounge would also respectfully ask the Council to consider the broader context of our operational history and overall calls for service data when evaluating the safety of our establishment.
- According to the calls for service report provided by the Hampton Police Division, between April 1, 2021, through April 29, 2026, Southern Comfort had a total of 65 calls for service over approximately five years of operation. This equates to an average of approximately 13 calls per year, or roughly one call per month.
- We believe this information is important because it reflects the overall operational reality of the business over an extended period of time rather than isolated incidents viewed in isolation. We would also like to point out that the bulk of these calls were nonviolent calls.
- We do not present this information to dismiss or minimize any concern raised by the City. Rather, we present it to demonstrate that Southern Comfort's overall operating history reflects a business that has generally functioned safely, responsibly, and cooperatively within the community.
- Our goal remains to continue improving, strengthening operations, and maintaining an environment where patrons, staff, neighboring businesses, and the community at large can feel safe and respected.

Possible Alternatives Instead of Revocation

- Southern Comfort Restaurant & Lounge respectfully requests that the Council consider enhanced operational conditions, continued oversight, and structured compliance measures as alternatives to revocation of the Use Permit. We remain fully committed to working collaboratively with the City to ensure continued accountability, public safety, and operational compliance moving forward.
- **Probationary Extension of the Use Permit**
- Southern Comfort would respectfully request consideration of a probationary extension of the Use Permit for a defined period, such as 6 to 12 months, subject to any additional reasonable conditions the City may deem appropriate.
- **Enhanced Security Measures**
- To further strengthen safety and operational oversight, Southern Comfort is willing to continue and expand enhanced security measures, including:
 - Continued use of contracted off-duty Hampton Police Division officers on weekends, a measure already in place, which has resulted in more than \$40,000 contributed toward off-duty HPD services over the past year
 - Increased licensed security staffing levels
 - Implementation of wand scanning and/or ID scanning procedures
 - Bag check procedures where appropriate
 - Enhanced camera monitoring and video retention protocols
 - Crowd-capacity monitoring and occupancy controls
 - Formalized incident documentation and reporting procedures, including maintenance of an incident report log
- **Conditional Use Permit Modifications**
- Southern Comfort is also willing to work with the City regarding reasonable amendments or additional operational conditions, including:
 - Specific event approval or notification procedures
 - Additional parking management requirements
 - Enhanced security-related operational conditions

- **Community Accountability & Communication**

- We would also welcome additional accountability and communication measures designed to strengthen relationships with neighboring businesses, residents, and City officials, including:
- Quarterly meetings with neighboring businesses and community stakeholders
- A direct complaint hotline and/or designated email contact
- Continued cooperation with Hampton Police Division and City Code Enforcement
- Periodic operational and compliance reviews with the City

- **Voluntary Oversight & Compliance Reviews**

- Southern Comfort is additionally willing to participate in ongoing oversight measures to demonstrate continued compliance and transparency, including:
- Voluntary third-party operational oversight where appropriate
- Fire Marshal walkthroughs and inspections
- Occupancy and capacity audits
- Periodic compliance reviews relating to Use Permit conditions

- **Evidence of Good Standing & Community Contribution**

- We respectfully ask the Council to also consider Southern Comfort's broader operational history and contributions to the community, including:
- Successful completion of inspections
- Overall limited violation history over multiple years of operation
- Significant investments into safety and security measures
- Ongoing staff training and operational improvements
- Tax revenue and employment opportunities provided within the City
- Positive involvement and participation within the local community

- **Phased Corrective Action Timeline**

- Southern Comfort has already implemented many corrective measures and is committed to continued operational improvements through a structured compliance timeline:
- Immediate corrective actions implemented within 7 days
- Mid-term operational improvements completed within 30 days
- Long-term compliance and operational enhancements implemented within 60 to 90 days
- Southern Comfort respectfully submits these measures as evidence of our willingness to accept heightened accountability, enhanced oversight, and continued partnership with the City in lieu of revocation of the Use Permit.

Closing Statement

- Southern Comfort Restaurant & Lounge fully recognizes the seriousness of the concerns raised by the City and accepts full responsibility for the areas in which we did not meet the expectations outlined in our Use Permit. We understand that operating a business in the City of Hampton is a privilege that carries significant responsibility, and we are committed to upholding those standards moving forward.
- We remain dedicated to being a compliant, transparent, and cooperative partner with the City of Hampton and the Hampton Police Division. Above all, safety remains our highest priority. As a family-operated business, with both our 14-year-old son who works within the establishment and our 3-year-old daughter frequently present, these concerns are not abstract to us, they are personal. This business is not just a source of income for our family; it is something we hope to one day pass down to our children.
- Ensuring a safe environment for our guests, staff, and community is foundational to everything we do. In response to the concerns raised, we have taken corrective action by evaluating our internal operations, addressing performance gaps, and implementing necessary changes in staff oversight, procedures, and accountability measures. We are committed to continuous improvement and ongoing compliance.
- We respectfully request that the Planning Commission consider the corrective actions already implemented, the operational improvements currently in place, and our demonstrated commitment to working collaboratively with the City moving forward. Rather than revocation, we are asking for the opportunity to continue operating under any enhanced conditions or oversight the City deems appropriate.
- We sincerely thank you for your time, consideration, and continued service to the City of Hampton. We remain ready and willing to work in partnership with the City to ensure Southern Comfort operates at the highest standard expected of us.