



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, December 8, 2021

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:31 p.m. with all members of the City Council present.

Present: 6 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilwoman Chris Snead

Councilwoman Snead gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck announced that, at the last City Council meeting, a process was outlined to select the individual to serve, on an interim basis, in Councilwoman Chris Snead's seat. The unanimous choice from this process is Michelle Ferebee who appeared on all of the council members' lists. She will take the oath of office on January 12, 2022, and will sit in the seat of Councilwoman Snead until January 1, 2023.

Mayor Tuck read and presented proclamations to Valarie Gardner, Library Director, and Wanda Rogers, Director of

Human Services, on the occasion of their retirements.

Ms. Rogers thanked Council for the recognition and stated that it has been a privilege to serve as Director of Human Services and in the other positions she has held for more than 45 years with the great City of Hampton. She also acknowledged her mother and many other individuals who set the standard of excellence during her career.

Mayor Tuck also shared some comments on the issue of homelessness and contributions Ms. Rogers has made to addressing the issue.

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 Snead, seconded by Councilmember Brown, 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, Snead and Mayor Tuck

1. [21-0251](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the Next Generation 9-1-1 Migration Program Grant awarded by the Virginia 9-1-1 Services Board

Attachments: [MP and PAL - Hampton ATT Final Council Documents](#)

Item approved.

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

2. [21-0322](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget and Accept and Appropriate the Honor Park Resilience

Park, Mill Point Living Shoreline, and Downtown Hampton, Phoebus, and Buckroe Water Plan Grants Awarded by the Virginia Department of Conservation and Recreation

Attachments: [Honor Park Award Letter](#)
[Water Plan Award Letter](#)
[Mill Point Award Letter](#)
[Water Plan Grant Routing Packet](#)
[Honor Park Grant Routing Packet](#)
[Mill Point Living Shoreline Grant Routing Packet](#)

Item approved.

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

3. [21-0297](#) Resolution Approving the Fiscal Year 2021 Year-End Budget Adjustments

Attachments: [FY21 Year End Budget Adjustments](#)

Item approved.

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

4. [21-0328](#) Resolution Requesting the Virginia Department of Transportation to Add Certain Streets to Those Classified as Principal and Minor Arterial Roads and Collector Roads and Local Streets

Attachments: [FY2022 VDOT Street Additions Package](#)

Item approved.

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

5. [21-0316](#) Approval of the minutes from the work session of October 27, 2021

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

6. [21-0325](#) Resolution in recognition of Councilwoman Chris Snead

Following the Mayor reading the resolution, a motion was made by Councilmember Steven Brown 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, Snead and Mayor Tuck

Following the vote, Councilwoman Snead gave remarks expressing her appreciation.

The Mayor apologized for an oversight where Ms. Gardner did not get an opportunity to speak, so he asked her to come forward. Ms. Gardner expressed her love for the City and her appreciation for the proclamation. Ms. Gardner spent her entire career with the City of Hampton.

Mayor Tuck took a few moments to share his thoughts and sentiments concerning Councilwoman Snead. He expressed appreciation for the almost nine years they have served together. He spoke of looking beyond the vote to where you see the humanity of the other person and the love of the City and the desire to serve the City. The critical piece is to look beyond the votes people cast and see the person. He expressed that Councilwoman Snead always advocated for the citizens and to improve their lives.

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Use Permits

7. [21-0323](#) Use Permit Application By Erik and Lucia Day to Allow for a Tattoo Parlor at 2807 and 2909 West Mercury Boulevard [LRSN: 3003523] in the Limited Commercial (C-2) District.

Attachments: [Conditions](#)
[Exhibit A](#)
[Application](#)
[Staff Report](#)
[Staff Presentation](#)

Ms. Glass read the title for the item.

City Manager Mary Bunting introduced City Planner, Olivia Askew, to make the presentation.

Ms. Askew greeted those on the dais and congratulated Councilwoman Snead on her election as Treasurer.

Ms. Askew reviewed the slide presentation which provided information about the application related to the site location; the proposal which is to allow the expansion of the existing tattoo parlor at 2809 W Mercury Boulevard to expand into 2807 W Mercury Boulevard, an adjacent unit; background information about tattoo parlors in the City; zoning for the site (C-2, limited commercial); the Future Land Use Map as it relates to the application; Public Policy/the Hampton Community Plan as it relates to the application; staff's analysis of the application; and the recommended conditions, some of which are related to location, hours of operation, and screening of tattooing from the view of the public.

Ms. Askew noted that the conditions are consistent with other tattoo parlor use permits and then stated that the Planning Commission and staff recommend approval of the item with seven conditions.

Ms. Askew opened the floor for questions from Council. No questions were posed.

The Mayor opened the public hearing. There were no speakers on the item and the public hearing was closed.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Snead, that this Use Permit

be approved with seven (7) conditions. The motion carried by the following vote:

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

8. [21-0326](#) Use Permit Application by Charlotte Tucker for a Restaurant with Alcoholic Beverage License and Live Entertainment 2 at 1144 Big Bethel Road [LRSN: 4002763]

Attachments: [Conditions](#)
[Application](#)
[Supplemental Form](#)
[Narrative Statement](#)
[Survey](#)
[LLC Documentation](#)
[Staff Report](#)
[Presentation](#)

Ms. Bunting introduced Planning and Zoning Division Manager, Mike Hayes, to make the presentation.

Mr. Hayes greeted those on the dais and reminded everyone that last year, the City requested and received the authority from the state to regulate restaurants and businesses based on alcoholic beverage licenses. This is the first use permit to come forward with alcoholic beverage license and live entertainment associated with it.

Mr. Hayes reviewed the slide presentation which provided information about the application related to the site location; zoning; the Future Land Use Map as it relates to the application; Public Policy/the Hampton Community Plan as it relates to the application; background information about the restaurant and it's permit; the floor plan of the suite; notices of violation; staff's analysis of the request; and recommended conditions should the application be approved.

Mr. Hayes stated that the Planning Commission recommends approval of the use permit application with 12 conditions; however, staff recommends deferral of the item until March to allow time for the applicant to show compliance with the rules and regulations. Mr. Hayes noted that Council also has the option of selecting a different deferral date or denying the application.

Mr. Hayes opened the floor for questions from Council. None were posed.

Charlotte Tucker, the applicant, shared the following information: Residents participated in a zoom meeting on November 22 where she addressed their concerns. The restaurant previously at the location had some violations, and, therefore, there is a stigma associated with her restaurant which is now in that location. There is concern in the community about live entertainment causing a disturbance; however, that is not the intent of this business. She will honor concerns in the community and do all she can to ensure that everyone is comfortable.

Members of Council asked a series of questions related to hours of operation violations; noise complaints; repeat violations after receipt of notice of violation; and how deferring this item until March will impact the business.

Ms. Tucker shared the following information in response to the questions posed by the members of Council: No new violations have occurred since notice was received on September 3; the establishment remained open until 1:00 am on a few occasions due to a misunderstanding about how long the entertainment part of the business could remain open and due to conflicting information in the two permits; no complaints have been received related to noise; the business is likely to close permanently if the item is deferred until March; the business has taken a significant loss due to closing at 10:00 pm because the bulk of business takes place in the late evening; the business will not remain open past 12:00 am in the future; as many stipulations as necessary will be put in place to ensure that the noise level remains low.

Councilwoman Snead thanked Ms. Tucker for her honesty.

Ms. Bunting made some remarks in response to Councilman Hobbs and for the record. She clarified that currently, the business is not supposed to remain open past 10:00 pm; however, there was a period of time where there was some confusion. The ABC license permit was issued for 10:00 pm and the restaurant must be closed by 10:00 pm. The live entertainment permit inadvertently allowed until 11:59 pm. City administrators understand that the 10:00 pm one supersedes the 11:59 pm one; however, it is clear that the owner did not understand that, therefore, staff has said that the business should be given the benefit of the doubt until May. Staff has also indicated that they had verbal conversations in May about the two different permits, however, she (Ms. Bunting) would have liked to have seen a letter issued for clarity and documentation purposes. Due to the work volume, this did not happen, and, therefore, Ms. Tucker continued to be confused and thought she could remain open until 11:59 pm because that notice of violation was rescinded.

Ms. Bunting continued saying that the City does have issue with the violations after 11:59 pm because there was never anything in writing giving permission beyond 11:59 pm. With the September violations, it became clear to Ms. Tucker that she should only operate until 10:00 pm and to the best of staff's knowledge, has been compliant since that time.

Ms. Bunting stated that from a City Manager perspective, if there were no instances of violation after 11:59 pm, she would have encouraged staff not to recommend deferral; however, once there was evidence of the 1:00 am violations, if staff did not recommend deferral, the City would not have been treating this business consistently with other businesses that have been in violation.

Ms. Bunting noted that previously, the deferral time frame was a year, but staff received feedback that that time frame was too long, resulting in great impacts on businesses. More recently, the Planning Commission has suggested a six month deferral period, and in this case, staff decided to begin that period from the September date as opposed to today's date crediting the time that has passed since the notification. The City is not aware of any additional violations since September.

Ms. Bunting joined with Councilwoman Snead in thanking Ms. Tucker for her honesty; reiterated that staff has to be consistent with how it treats businesses; and reiterated that the City values businesses and does not like issuing notices of violation, but must treat businesses equally.

Several members of Council shared their positive experiences while visiting the establishment and expressed that they want the business to succeed, particularly as this business brought tax revenue to Hampton during a time when other restaurants closed due to the pandemic.

In response to Councilman Bowman, Ms. Bunting clarified that if approved this evening, the business will have the authority needed to be open until 12:00 am Sunday - Thursday and 2:00 am on Friday and Saturday and would not be required to redo the application process. If Council defers the item, the item would be brought before Council after the deferral period is over.

Additional comments were made by a few members of Council indicating the need to reset and give this business another opportunity because small businesses are the economic engine of our community.

A brief discussion took place between Ms. Bunting and Councilwoman Brown regarding the logistics of permits in general and the intent of the permit in this case

which is that the restaurant would operate fully under the conditions of the permit and would require them returning to Council should they want to expand the footprint. Ms. Tucker also confirmed that the establishment is not a club.

Mayor Tuck called for additional discussion from Council prior to the vote. Mayor Tuck was the only one on the dais who indicated that he would like to provide additional input.

Mayor Tuck shared an example of an individual who was notified prior to having a block party that he would be in violation of the code, but moved forward with the event anyway. At the time, the waiting time/penalty to hold another event or suspend the license was a year, but was changed to six months following a discussion about the penalty being too punitive.

Ms. Bunting clarified that the use permit penalty was changed to six months at the recommendation of Council; however, the special event code is still in the process of being changed.

Mayor Tuck continued explaining that in the example he spoke of, the individual had been notified of the particulars of violation. With regard to this situation, there was some confusion in May, but clear understanding that there should be no activity beyond 11:59 pm; however, there were two violations in August. He said that he will be voting in opposition of what most of Council will likely vote because he does not want to send the message that our rules, regulations and penalties mean nothing. He noted that he wants the restaurant to be in business, but will vote the way he will vote for the stated reason.

The Mayor opened the public hearing. Charlotte Tucker, the applicant, spoke and answered questions from Council. Jason Woolfolk appeared with Ms. Tucker but did not speak. The public hearing was closed.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Use Permit be approved with twelve (12) conditions. The motion carried by the following vote:

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

Nay: 1 - Mayor Tuck

9. [21-0327](#) Use Permit Application by Karen G. Jordan for a Private School, More Specifically a Tutoring Center, at 2021-B Cunningham Drive [LRSN 4002763]

Attachments: [Conditions](#)
[Application](#)
[Supplemental Form](#)
[Narrative](#)
[Survey](#)
[Floor Plan](#)
[Applicant LLC](#)
[Staff Report](#)
[Presentation - staff](#)
[Presentation - Applicant RECEIVED BEYOND DEADLINE](#)

Ms. Glass read the title for the item.

Ms. Bunting introduced Planning and Zoning Division Manager, Mike Hayes, to make the presentation.

Before beginning the presentation, Mr. Hayes clarified that the establishment will be a tutoring center versus a traditional school.

Mr. Hayes reviewed the slide presentation which provided information about the application related to the site location; zoning; the Future Land Use Map as it relates to the application; Public Policy/the Hampton Community Plan and the Coliseum Central Master Plan as it relates to the application; background information about the tutor center; staff's analysis of the request; and recommended conditions.

Mr. Hayes shared a list of schools near the site; noted that the conditions associated with issuance of permit, certificate of occupancy and hours of operation differ slightly from the typical application; and said that the Planning Commission and staff recommend approval of the item with five conditions.

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

PUBLIC HEARING:

Mayor Tuck opened the public hearing.

Ms. Karen Jordan, the applicant, greeted those on the dais and made the following statement: Thank you, and I look forward to speaking to you this evening. It's been

a long wait. It's been two years. I didn't realize that I was trying to open a tutoring center in the middle of a pandemic. The doors opened in February of 2020 and of course, we closed March of 2020. By the help of my family and friends, we've been able to keep the doors open and basically just use it as an office, so I stand before you tonight asking you to allow me to use it as a tutoring center. Again, my name is Karen Jordan. I've been married for 34 years and I've worked in the school systems in Virginia for over 30 years, with the YMCA director for five years. I came to the Hampton area to be with my grandchildren and now my grandchildren are off to public schools and I'm ready to get back into helping the community. I have done many tutoring sessions from my home, the library, wherever the need was and I want to continue this way. I don't feel that it's as safe as it used to be to go in and out of homes, so I've chosen to use this facility to tutor our youth. The facility, again, it is on a very quiet street. It's on a back road of Cunningham (really not on Cunningham, that's confusing). It is a very quiet street, and like what was said before, there are nine schools in that vicinity that's within two miles of my center. I did take an opportunity to look at a couple of those schools and look at what they are going through at this time. One school is Eaton Middle School. I went to the Virginia Department of Education's School Quality Profile and looked at their reading scores. Before the pandemic, they were at 82%. They are now at 60% in reading. Where they did not show a score for math, I'm not sure why, but the state was at 62% which is now in math at 54%. Another school I would just like to highlight is Cooper Elementary School. Cooper Elementary School was able to actually increase their scores from 78% to 81%, even though they did decline in math from 76% accuracy to 64%. I just wanted to highlight a little bit. I know the need is there and I just hope this community would give me the opportunity to reach out to these students and help any way that we can. Again, it is a small facility right now, where we will only be tutoring five children at a time or one on one as needed depending on what the parents need. I also realize that the cost is an issue when it comes to tutoring our children. There is a fee per hour, but I also, in the future, would like to continue to look for grant money, scholarships and fund raisers so I can meet the needs of children who can't afford the services. Maybe I'll be back one day to expand this business.

Ms. Jordan provided the clerk with pamphlets about her business and letters of support to be distributed to Council.

Ms. Jordan continued with her statement: Also, inside of those pamphlets, you will see where I have indicated things in place for the safety of the children. I understand that they had the category as a private school even though it is tutoring, but I still want to make sure that our children are safe. So, I went through the Department of Social Services and did phase I and phase II, so we know about how to clean up behind the children as far as this pandemic is concerned. We will be

following all of the Center for Disease Control and Prevention (CDC) guidelines. First aid kits. We have a part-time nurse on staff that has a LPN and the other nurse has an RN, so, we have plenty of help. We have emergency evacuation in place. We also have a liability insurance policy that will cover us as far as any injuries or anything of that nature.

Ms. Jordan offered to answer any questions. Mayor Tuck opened the floor for questions from Council.

Councilman Bowman thanked Ms. Jordan; commended her for wanting to work with Hampton's youth; stated that this is a need in Hampton; and asked about the Commonwealth's licensure or certification requirements to open this type of facility.

Ms. Jordan shared that she does not have a teacher's license, but has a business license and is certified in Early Childhood and Applied Science.

The Mayor closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Chris Bowman, that this Use Permit be approved with five (5) conditions. The motion carried by the following vote:

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

Resolutions

10. [21-0330](#) Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of a Fee Take, Pursuant to §§ 25.1-100, Et Seq. and 15.2-1901, Et Seq. of the Code of Virginia of 1950, as Amended, for Purposes of a Public Road and Associated Utilities.

Attachments: [Tennis Lane - Final Plat](#)

Ms. Glass read the title for the item.

Ms. Bunting gave the following report on the item: Tennis Lane is currently a private road located in the City off of East County Street in Phoebus. The City has storm water and sanitary sewer infrastructure located within the lane. Other utility services including water and gas run underneath the lane. City residents also receive trash services and U.S. mail delivery along Tennis Lane. To best serve the citizens, and

to protect, maintain and potentially upgrade the existing infrastructure, acquisition of the lane is required. A fee take of the lane using the City's eminent domain authority is necessary. Based upon the title examination of the lane, it is owned by unknown heirs of Riddick Barnes. The City has been unable to locate the heirs and there may be other owners that may have interest, but are unknown; therefore, no one is available to assign a deed transferring the lane to the City, nor are there any known parties with which the City could negotiate. Therefore, it is recommended that we use state code and City code authority so that the City can exercise eminent domain to commence condemnation proceedings upon the identified property since acquisition cannot be attained through normal negotiation.

Mayor Tuck opened the floor for questions. None were posed.

There was a public hearing but no one signed up to speak and the Mayor closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, 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, Snead and Mayor Tuck

PUBLIC COMMENT

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

Mr. Preston Cole greeted those on the dais and made the following statement: I wanted to speak about the don't park on the grass thing that you guys are planning to pass or vote on. I just bought my first house about six months ago. Thirty years old. First time I've ever had a house. It's nice. It's in Hampton. It's not a bad place. The property is probably a little bit smaller than this room here. I have a street that floods all the time. Anytime it rains, it floods. The street is probably maybe like one and one-half car lengths. A bunch of people park on the street. A bunch of people actually park on their grass as well. I have two vehicles. I also have trash which on Thursdays when I put my trash out, I can't have my car anywhere near the trash, or the trash man won't pick up my trash. My mother's neighbor has been trying to get an approval for a driveway for the last several years, but he has been denied because the City is trying to fix the drainage issue on North King Street. That's what I've been told. I don't know any of the actual other details about that. I'm going to request that you guys deny the motion to prevent people from parking on the grass just because I'm not going to be able to finance a new driveway anytime soon and I don't really have anywhere else to park except for on

the grass. Thank you.

Mr. Bobby White greeted those on the dais and made the following statement: I oppose what you are trying to do with us not parking in our driveway. Can you imagine oyster shells, pretty oyster shells, and somebody's car is leaking oil all over it? How are they going to look in about 2 years? And, also my yard floods because I have a big ditch, a tidal ditch, and I'm having a problem right now trying to get my camper and my boat settled where I want it. We're being in compliance with the City of Hampton. Like I said, I oppose what you are trying to do. I got a driveway. I got a big family. When they come over, they want to be able to park in my yard. Right in front of my house is no parking signs on the street. So, I don't have any other option. That's all.

Mr. William Eck greeted those on the dais and made the following statement: I wanted to talk about property taxes. I moved here in 2018 in the summer and I love it here. I love my little house. I love my neighborhood. So, I have three years of taxes. In 2019, it started at \$1,517.90 a year and then in 2020, it went up to \$1,839.84 a year, so that is like a jump of \$322, a little less than a dollar a day. And, that was in a time when offices were closed, when businesses were closed, when the whole pandemic shutdown was going on, so it's a hardship for everybody. I noticed between 2020 and this year with the property tax on (this is my wife's car), the car did not depreciate in that time which is just generally not true of used cars. Her car is 17 years old. They don't get more valuable generally as they age. I also noticed at the same time in this year, 2021, my land value went from \$30,000 in the first check I paid for the first half of the year to \$40,000 in the second half, so you know this is a huge jump. Then I got this thing where they tell you about fiscal year 2022 and there's going to be an increase of 7.7%. That means, knowing the law of '72 in less than 10 years, my property taxes if they stay at that rate every year, are going to double. It's like compound interest except it is working against you in this case. The other thing is the property tax on the car. I'm curious as to what, where that goes, what benefit that has for the citizen because I've never heard of a property tax on a car. I came from New Jersey and they tax everything there. In fact, my monthly rent was a little more than what the annual property tax is on my house now. So, you know, it is good that things cost a whole lot less here, but they're still increasing. The 7.8% jump, that's huge. My question is about the car property tax. Is that just something in the general fund or is there some other benefit that that has? Thank you.

Mr. Richard Finney greeted those on the dais and made the following statement: I came because of the new ordinance that you've passed and the one that just passed, I learned of a couple of days ago, and that's the RV and the boat one that you've recently passed. I don't really follow the rules and information that much.

So, I got a letter. I was already in the process of trying to rearrange my boats and trucks and stuff like that. Being in construction and being a person that loves water and boats and stuff like that. One boat is 34 foot and the other one is 28 foot, 200 feet off of the street. This rule has been passed. I get notification by the letter. I don't quite understand how it happened other than somebody complained. I think it was a neighbor who - we have a back and forth little feud thing- but going out on my property, there are at least seven other like incidents of trailers and stuff like that, so that rule and then the compounded new rule that you are getting ready to pass. How is this being enforced? Is it only by somebody being picked out and the inspector or these people ride by, so it's not being enforced for everybody? It's just for whoever gets complained on or whoever's being picked at by somebody, and then everybody else is Scott free, so it is whoever is being targeted at that moment? With the new rule that you got coming in now, having these boats and having these cars, I went out, had started the process, like I said, and I'm looking at a 250 square foot area to do what you want. What gravel is at right now is \$40 a ton. So, that's \$600 just in the gravel to do one of these parking places that you are asking people to do. That's not including the filter cloth. That's not including delivery. That's not including labor. That's not including the permitting process and all this stuff with the City. Being in construction, I haven't been active for a while. You're talking about so many citizens down from Buckroe, Fox Hill, Phoebus, all this stuff and the permitting process. Who's going to have time to look at these permits and get them to where we can do it? You are asking this rules and this stuff to happen now. We are in the middle of coming into the winter. We are in a shortage of labor. There's a shortage of material. Everything is terribly expensive. I went on the website. I've looked at your examples of who this is. I pulled these pictures up. The yards are freshly cut. Everything is clean, for the most part.

Mayor Tuck informed Mr. Finney that his speaking time had expired.

Mr. Finney made a few more remarks: I'd like for you all to reconsider it, if not put it off to let people have time to at least prepare.

Ms. Brenda Mark greeted those on the dais and made the following statement: I'm here to ask you respectfully to deny the ordinance requiring that cars park on the street if people don't have a driveway. The ordinance does not directly affect me, but I can tell you that over this year, I have watched this Council approve one ordinance after another that is putting an undue hardship and an unnecessary burden on your average Joe. And, yes, I know there's a proffer of a grant, but I can tell you standing here, I personally would not qualify for any grant that the City offers based on the income requirements, but I can tell you that if you told me tomorrow, I had to put a driveway in, I can't do it out of my budget at this time. You'll need to sit back and look. The economy, the cost of living and the overall

appearance that it truly looks to the average citizen that you'll don't care the weight that you are putting on our shoulders. The taxes have gone up this year. We have no hope of any rate reduction. You'll need to sit back and say, do we really want our people moving out? I don't know, that may be the overall goal. That's my opinion on that. I think you are doing a disservice to your average citizen. I would like to take a minute to tell you that, on a totally different subject, I met Wanda Rogers ten years ago. I was introduced to her after I reached out to Andy Fox and 10 On Your Side to obtain assistance in receiving benefits for my then adopted daughter. I can tell you, I have not met her replacement, but I do not believe you will find anybody that has given to the children of this City what Wanda has and if you'll think I email you a lot, Wanda made the mistake of giving me her direct phone number too. So, we have a friendship that has grown over the ten years, and I can tell you, I really wish you'll had worked harder to get her to stay because the children of this City need a Wanda Rogers more now than they probably have over the years she served. Thank you.

Mr. Edwin Boone greeted those on the dais and made the following statement: I have a question about how that lady was picked to replace Chris Snead when there was no public input. How can the City Council choose who they want when the citizens of Hampton were not involved? My next issue is the American Rescue Fund. You've been sitting on that money, them millions, for four to six months since President Biden gave the money and the small businesses and the nonprofits need the money immediately as soon as possible so they can continue to survive. So, I'd appreciate it if you all would take into consideration and release the funds for the nonprofits and the small businesses as soon as possible. Thank you.

Mr. Josh Moran was called to speak, but was not present.

Ms. Ketra Honeycutt greeted those on the dais and made the following statement: I'm here in regard to the not parking on the (grass) unless you have a driveway in your yard. I chose to sit back there for a reason, even though I use a cane. If I were to have to park on the street, that's about 10 feet short of where I'd have to walk to get to my front door with a cane in all sorts of weather. I'd prefer not to do that. I'm not in a wheelchair yet. That's coming. But, to have to tell me I cannot park in my own yard that I pay taxes on seems to be a misjustice. I cannot afford...I'm retired. I cannot afford to put in a new driveway. So, I'd have to walk all that way. If I slip and fall, there is nobody there. If I'm out in my yard dying out in my yard until somebody comes home at 5 O'clock in the evening, it's not safe, it's counterproductive to your citizens to have to force them to put their health at risk so somebody can say their yard's not as pretty as somebody else's because they park in the yard. That's ridiculous. They should be able to park in the yard. It's not like they are growing weed or breaking a law or doing something detrimental to the

health of anybody else around them. They are parking in the yard for a reason. I've got four vehicles for my yard right now. They all work. I'm the only one that's not. Two others park out front. I have to park in the driveway because I need to park close to my front door. I'm not going to be able to do that if you all pass this ordinance. I'm going to have to walk 40 odd feet and trust me, right now, I'm using one cane. I'm figuring, it will probably be before the end of next year, I'll be using two. I'm putting off getting in a wheelchair as long as I possibly can. I would really appreciate it if you would not table it. Just flat out say, no, this is wrong for our citizens. We should not be forcing them to have to park on the street where it might be not safe or put in a driveway you cannot afford. Thank you.

Ms. Claire Neubert greeted those on the dais and made the following statement: I am here tonight to say thank you. I'm grateful for the Hampton City Council; for your work on the legislative agenda that is sent to Richmond. Clean water, a healthy environment and resiliency measures to mitigate climate change are important to me personally and professionally. I'm guessing I'm not the only one too, so I applaud you for requesting funding and support for the Virginia Shoreline Resiliency Fund and for consistently year after year for requesting support for the Storm Water Local Assistance Fund, a match grant that helps for projects to curb polluted runoff from going into our waterways. Also, I'm grateful that Hampton is requesting the preservation and expansion of our tree canopy which will mitigate water and air pollution, reduce flooding and help cool our heat islands. All of these efforts make Hampton a prettier, healthier and more desirable place to live, so I thank you for those measures. Happy Holidays.

Mr. James Scull greeted those on the dais and made the following statement: I have several points to make on this driveway thing you guys got going. Environmental impact: any time you are going to lay over 200,000 square feet of concrete or rock, have you considered the environmental impact on the City of Hampton? I.E., the drainage storm water quality, sewer backup, so on and so on. I don't think you have because there's nothing on the website showing it. #2, the cost to the City. By my estimate, doing my homework, it's going to take five inspectors to enforce this code that you are trying to implement at a cost of \$50,000 per year per inspector. That includes their salary, their benefits, vacation, car, gas, so on and so on. That's minimum. That's start costs. That's a quarter million dollars a year to tell somebody they can't park on their grass. Really? Okay. Exceptions. I've been told there are a huge list of exceptions to who can and cannot. Where are they? Who is going to be qualified for these? Who is not? The lady in the meeting in October, I think she is sitting right there with the short hair, I don't know her name. She said we're trying to preserve green space in the City of Hampton. How are you doing that putting concrete down? What are you doing? You're taking away peoples lawns to put concrete (down). I have four grandkids. I do not want them playing on oyster

shells. Wake up. That's dangerous. Okay? Have you ever been cut by an oyster shell? I have. I got a bad right foot for it. My right foot is worth \$300,000 from walking on the beach. Do I want that in my yard? Come on guys. Okay. Increase in property tax. We already talked about that. You're going to do a \$10,000 improvement on the property and then the City is going to turn around and say well, you owe us another \$400 a year in taxes because you improved your property that I didn't want and didn't need because I can park on my grass, I pay taxes, I make the payments, I do the maintenance. None of you do that. If you do, please tell me, I'll be more than glad to hand you my mortgage statement. I'll be tickled to death for that. This is wrong. This is abuse of power and to me this is nothing but somebody complaining about a neighbor that doesn't maintain their yard to Better Home and Garden standards. Thank you.

Mr. Bob Padget greeted those on the dais and made the following statement: I would like to wish you all a Merry Christmas. It looks like some of you are already dressed up for that already. But I'm here to talk about parking on the grass. You know my position on that. You've heard me before. And, now you are telling me...that what the information I'm getting...I've checked every information source that I can get. You've got to have either pavers or gravel underneath your car in order to park on the grass. And, we all know that the grass will grow up between the pavers and then you are parking on the grass again and it's going to grow up through the gravel. And, I haven't seen anything yet about the grants. What's the word on the grants? Nobody seems to know. There's nothing on the internet about it. And, so I'm going to respectfully ask to request that you table this proposal until at least the March 2022 meeting. Maybe you can have something on the internet by that time, so we can be much more knowledgeable about what's going on. I thank you.

At the Mayor's request, the City Manager indicated that Ms. Sabo will be doing a presentation which will address many of the questions raised by speakers. It doesn't require that you put in a driveway but simply that you park on the street instead of the yard unless parking on the street is not allowed. She also indicated that there are several exceptions in the proposed ordinance. Implementation is delayed for six months and there is also a grant program for concrete ribbon driveways which is more environmentally friendly. The goal is to increase home values. Ms. Bunting said that it will not require hiring new

inspectors as inspectors are cross-trained to look at all violation issues. While Hampton is thinly manned when compared to other cities, the inspectors are cross-trained to handle all issues.

Ms. Bunting also shared that the City is monitoring the American Rescue Plan and there isn't yet final guidance or funding yet.

Ms. Bunting stated that taxes are a combination of assessment and tax rate and the tax rate hasn't changed but assessments have increased. The City wasn't able to lower the tax rate without risking losing federal rescue act funding of 48 million, only half of which has been received so far. She further expanding on other taxes, how they are collected and how they are spent.

GENERAL ITEMS

Ordinances

11. [21-0198](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Parking Vehicles on Unimproved Surfaces in Residential Areas

Attachments: [Redline \(as amended\)](#)
[Prior Redline \(for reference only\)](#)
[Street Frontage Yard Graphic](#)
[Relevant Zoning Definitions Adopted in 2020](#)
[Presentation](#)

Ms. Glass read the title for the item.

Zoning Administrator, Hannah Sabo, greeted those on the dais and stated that versions of this amendment have previously been presented to Council; however, she would provide an overview today.

Ms. Sabo shared a few images of vehicles parked on lawns and then reminded everyone that the amendment proposes to ban parking on grass or lawns on residential streets in street frontage yards and requires that vehicles be parked on an improved driveway. It, however, does not require citizens to install new driveways.

Ms. Sabo paused to share that the City's of Suffolk, Norfolk and Williamsburg currently regulate parking on lawns.

Ms. Sabo shared the timeline of City Council and the Planning Commission actions and the goals of the amendment which are to preserve green area; improve the character of neighborhoods; increase property values; limit the cost burden on citizens (with a grant program); provide necessary exceptions; and provide outreach to the community to allow them time to install a driveway if they wish and to become fully informed about how the amendment will affect them.

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

Ms. Sabo spoke about exceptions and when parking on lawns will be permitted. Exceptions include: when either side of the adjacent street is labeled as no parking permitted; reasonable accommodation (Americans with Disabilities Act - ADA); City approved special event permit; street closure; street sweeping/maintenance; flooding or other severe weather events; when washing a car; and loading and unloading a vehicle up to 24 hours.

Ms. Sabo provided a bit of information about improved driveways; existing gravel driveways; and grass paving systems. This information is outlined in the slide presentation. Ms. Sabo noted that grass paving systems are not currently included in the definition of improved surface; however, a future amendment to the definitions could permit this material.

Ms. Bunting added that staff could accomplish such an amendment before the July 1, 2022, enactment of the ordinance and bring the definitional amendment back in time to align with the July 1 implementation date.

Ms. Sabo summarized the overview once more and then shared the three options moving forward which are to adopt the zoning ordinance amendment and have staff bring an amendment to the definitions at a later date; defer the amendment and have staff bring it back at the same time as the definition amendment; or defer the amendment indefinitely.

Ms. Sabo opened the floor for questions and comments from Council.

Vice Mayor Gray asked a series of question related to the percentage of a front yard that can be paved for the purpose of storing vehicles; the steps involved in

getting approval to park on the lawn for those with physical disabilities; the grant program designed to help those who need reimbursement for their driveway; and the potential for Council to add to the list of exceptions after the ordinance is in place.

Ms. Sabo shared the following information in response to Vice Mayor Gray. With regard to the percentage of green area in a yard, the smallest yard is required to have 50% green area with the caveat that no matter how small the front yard is, a driveway that is 12x25 feet is always allowed. She noted that green area percentage requirements increase with the size of the yard. With regard to those with disabilities, requests may be submitted in writing to the Development Services Center and are reviewed on a case by case basis. ADA accommodations are also an option for citizens with disabilities; however, there is a requirement that the request is deemed to be reasonable and necessary to accommodate a disability. With regard to reimbursement for driveways, the City would provide funds to reimburse a citizen who provides receipts for the cost associated with installing a concrete ribbon driveway. With regard to exceptions, exceptions are specifically written into the ordinance; therefore, any additions would require presentation to the Planning Commission and the Council, but is an option.

Councilwoman Snead asked if citizens are allowed to have guests temporarily park on their lawn, for example, in the case of hosting a party (outside of having a special event permit).

Ms. Sabo explained that individuals are allowed to park on lawns briefly as guests arrive, for example, to bring in potluck dishes or items for an event; however, there is no specific exemption for a private party. She reminded everyone that people are allowed to park on the front or rear yard in cases where the street is labeled no parking.

In response to Councilman Brown, Ms. Sabo clarified that the City does not currently have a permit that would allow a citizen to have people park on the front lawn for an event such as a gathering or party.

Councilman Brown shared a few items of concern and reasons why he is unable to support this amendment at this time including the lack of an established limited number of cars to be parked on a front lawn; enforcement of code violations; and the capped amount of funds provided to citizens through the grant program which may result in a monetary burden on citizens.

Ms. Bunting clarified that if a curb apron is required, the City will reimburse 100% of that cost. She continued saying that the Housing Authority plans to administer the program and have indicated that they would use prequalified vendors who are

knowledgeable about the costs of these projects in various areas of the City. She assured everyone that the grant program is not meant to put financial burden on our residents; however, if the City pays for a ribbon driveway and the citizen wants a full concrete driveway, the citizen will be responsible to pay the difference. She reiterated that the intention is for the City to pay for the concrete ribbon driveway and a curb apron if a curb apron is required.

Councilman Brown shared that that information was not made clear during an earlier presentation today and there was discussion about the responsibility falling on the homeowner should a project require additional funds.

Ms. Bunting noted that she was absent earlier and apologized for any confusion or uncertainty about the intention.

A motion was made by Councilmember Bowman and seconded by Councilmember Weston Brown, that this Zoning Ordinance - Text be approved with an amendment to the definitions at a later date to allow grass paving systems. The motion carried by the following vote:

Aye: 4 - Councilmember Bowman, Councilmember Weston Brown, Vice Mayor Gray and Mayor Tuck

Nay: 3 - Councilmember Brown, Councilmember Hobbs and Snead

Appointments

12. [21-0315](#) Consideration of appointments to Citizens Police Advisory Group (CPAG)

A motion was made by Councilmember Chris Snead and seconded by Councilmember Eleanor Weston Brown, that this Appointment be deferred to the City Council Legislative Session, due back on 1/12/2022. The motion carried by the following vote:

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

13. [21-0319](#) Consideration of Appointments to the Coliseum Advisory Committee

A motion was made by Councilmember Chris Snead that Anne Rutherford be reappointed to her second term expiring on

December 31, 2023, and that Brian Lowrey and Frank Newman be appointed to their first terms expiring on December 31, 2023, and that Robert A. Boester be appointed as an Emeritus member of the committee.

The motion carried by the following vote:

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

14. [21-0324](#) Consideration of Appointments to the Hampton Federal Area Development Authority (HFADA)

A motion was made by Councilmember Chris Snead that Rodney Spratley be reappointed to his first full term which will expire on December 30, 2025. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There were no items of new business but the Mayor allowed members of Council to share any holiday wishes.

Councilman Brown wished Councilwoman Snead the best and extended his best wishes to the community as we look forward to the New Year.

Councilman Hobbs wished everyone a happy holiday season and indicated he will miss Chris Snead.

Councilman Bowman thanked his peers and the appointees, City staff and citizens for their support in his first year and a half as a member of Council. He also wished everyone a happy holiday.

Councilwoman Brown wished Chris Snead Godspeed and

wished the citizens peace this holiday and thanked her peers for their devotion to the work that we do.

Vice Mayor Gray wished a joyous season to the staff and citizens and fellow members of Council. He shared that many of us are blessed with good health and we should be thankful. He asked that everyone think of someone else they can bring joy to during this season.

Mayor Tuck shared how in the first few months of Covid the city appeared so desolate and filled with despair as we faced the unknown. He shared that 2021 has been so much better from so many perspectives. While we expected a six million dollar hit to the City's budget, thankfully Congress recognized the difficulties and came up with a rescue plan and the Cares Act so we started bouncing back. He said that as we approach 2022, there is a sense of hope we haven't had for awhile. If you can encourage someone else, you should do that. He thanked his peers, the staff and the City employees who worked outside their normal sphere of activities to help with the vaccination process and have continued to show resilience. He wished happy holidays and peace to everyone and said hopefully 2022 will be another year of renewal and hope.

ADJOURNMENT

Mayor Tuck shared that Hampton University's Marching Force had the honor to appear as the first marching unit in the Macy's Thanksgiving Day Parade and clips of the performance were shared with viewers.

Following expressions of holiday good wishes, the meeting adjourned at 9:17 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 _____