



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

Wednesday, August 10, 2022

6:30 PM

Council Chambers

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 with the exception of Councilman Hobbs who is traveling.

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

Excused: 1 - Councilmember Billy Hobbs

DONNIE R. TUCK PRESIDED

INVOCATION - Councilman Steven L. Brown

Councilman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

Mayor Tuck invited Boy Scouts from Troop 151 to lead the Pledge of Allegiance. Jackson Hudson, Thomas Minter, and Jace Mitchell were accompanied by their Scout leader Brad Minter. They are working on their Citizenship in the Community badge.

MAYOR'S COMMENTS

[22-0236](#)

Motion to Amend the Agenda to Take Items #9 (22-0181) and

#10 (22-0183) Out of Order.

Mayor Tuck requested that items 22-0181 and 22-0183 be taken out of order due to a request from the applicant to defer them.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Eleanor Weston Brown, that this Motion be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

9. [22-0181](#) Rezoning Application by Westview Landing, LLC. to rezone +37.86 Acres at 10 Doris Carlson Dr [LRSN: 5000040], 51 Battle Rd [LRSN: 5000041], 30 Singleton Dr [Portion of LRSN: 5000042], and 60 Battle Rd B [Portion of LRSN: 5001596] from One Family Residential (R-11) District to Multifamily Residential (MD-3) District with Proffered Conditions for Multifamily Development

Attachments: [September Revised Staff Presentation](#)
[September Application](#)
[September Survey](#)
[September Concept Plan](#)
[September Narrative Statement](#)
[September Proffer Agreement](#)
[September Staff Report](#)
[September Presentation](#)
[September Applicant Presentation](#)
[Wetlands Consultant Memo](#)
[LAFB Comment Letter](#)
[Citizen Comments](#)
[Applicant Presentation](#)
[June Application Combined](#)
[June Staff Report](#)
[June Staff Presentation](#)
[August Staff Report](#)
[August Presentation](#)

The Clerk of Council, Katherine Glass read the titles for items 9 and 10.

City Manager Mary Bunting made the following statement: Mr. Mayor and Council Members, at the request of the applicant these items were deferred at the Council Meeting held on June 8th. This week the applicant submitted revised application materials and proposed amendments to the proffered conditions. By law, the Council is required to re-advertise and hold another public hearing before taking any action on the amended proffers. Thus it is my understanding that the applicant has requested that Council defer these items to the September 14th City Council meeting so that we can do the proper advertisements. The revised materials will be published with the next City Council agenda.

At the Mayor's invitation, Larry Cumming, attorney for the applicant, explained the request for a deferral.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Resolution be deferred to the City Council Legislative Session, due back on 9/14/2022. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

10. [22-0183](#) Use Permit Application by Westview Landing, LLC. for Construction of Multifamily Dwellings Within the Multifamily Residential (MD-3) District at 10 Doris Carlson Dr [LRSN: 5000040], 51 Battle Rd [LRSN: 5000041], 30 Singleton Dr [Portion of LRSN: 5000042], and 60 Battle Rd B [LRSN: 5001596]

Attachments: [September Revised Staff Presentation](#)
[September Application](#)
[Survey](#)
[September Concept Plan](#)
[September Narrative Statement](#)
[September Presentation](#)
[September Staff Report](#)
[September Applicant Presentation](#)
[Conditions](#)
[Wetlands Consultant Memo](#)
[LAFB Comment Letter](#)
[Citizen Comments](#)
[Applicants Presentation](#)
[June Application](#)
[June Staff Report](#)
[June Presentation 1](#)
[June Presentation 2](#)
[August Staff Report](#)
[August Presentation - same as 22-0181](#)

The Clerk of Council, Katherine Glass read the titles for items 9 and 10.

City Manager Mary Bunting made the following statement: Mr. Mayor and Council Members, at the request of the applicant these items were deferred at the Council Meeting held on June 8th. This week the applicant submitted revised application materials and proposed amendments to the proffered conditions. By law, the Council is required to re-advertise and hold another public hearing before taking any action on the amended proffers. Thus it is my understanding that the applicant has requested that Council defer these items to the September 14th City Council meeting so that we can do the proper advertisements. The revised materials will be published with the next City Council agenda.

At the Mayor's invitation, Larry Cumming, attorney for the applicant, explained the request for a deferral.

Mayor Tuck indicated that those who were in attendance to speak at the public hearings for items 9 and 10 were welcomed to do so under the public comment period since those public hearings would not take place. He also encouraged those in the audience who expressed concern about the school property to sign up to speak, as it appeared that none of those individuals had signed up yet.

A motion was made by Councilmember Bowman and seconded by Councilmember Weston Brown, that this Use Permits be deferred to the City Council Legislative Session, due back on 9/14/2022. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

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

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

1. [22-0227](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the 2023 Virginia Homeless Solutions Program Grant Awarded by the Virginia Department of Housing and Community Development.

Attachments: [Grant Routing Sheet - VHSP FY2023.pdf](#)
[Grant Proposal - VHSP FY2023.pdf](#)
[Grant Agreement - VHSP 2023.pdf](#)

Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

2. [22-0228](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the 2023 Children's Services Act Annual Allocation Awarded by the Virginia Department of Education

Attachments: [Grant Routing Form CSA FY2023.pdf](#)
[Grant Proposal Overview - CSA FY2023.pdf](#)
[CSA Allocation FY2023.pdf](#)
[CSA Administrative Allocation FY2023.pdf](#)

Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

3. [22-0232](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the 2023 Foster Grandparent Program Grant Amendment Awarded by the Corporation for National and Community Services (CNCS)

Attachments: [Grant Routing Form FGP FY2023.pdf](#)
[Grant-Proposal-Overview-FGP FY2023.pdf](#)
[FGP Budget FY2023.pdf](#)

Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

4. [22-0229](#) Re-adoption of the City of Hampton, Virginia's Emergency Operations Plan (EOP)

Attachments: [Executive Summary](#)
[Promulgation Statement](#)
[Emergency Operations Plan-2022 Final Draft](#)

Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

5. [22-0225](#) Review and Approval of the Hampton-Newport News Community Services Board FY22-23 Performance Contract with the Department of Behavioral Health and Development Services

Attachments: [FY22 and FY23 Performance Contract](#)
[FY22 and FY23 Performance Contract Schedule and Process](#)
[Addendum I - FY22-23 Administrative Requirements Processes and Procedures](#)
[Addendum II - FY 22-23 Partnership Agreement FY22-23](#)
[FY22-23 CSB Performance Contract Amendments](#)

Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

6. [22-0226](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Quality Carpenters, Inc. to Allow an Encroachment into the City's Property for Installation of Water, Sewer and Other City Approved Utility Connections and for Ingress/Egress within and across City Property

Attachments: [Encroachment Agreement Presentation](#)

Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

7. [22-0230](#) Approval of the minutes from the work session of July 13, 2022.
Item approved.

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

Mayor Tuck recognized Delegate A. C. Cordoza who was attending the meeting.

PUBLIC HEARINGS

Ms. Glass read the protocol for Public hearings.

Rezoning

8. [22-0184](#) Rezoning Application by Michel Properties, LLC to Rezone +0.865 acres at 53 Wythe Creek Road [LRSN: 6001176] from Limited Manufacturing (M-1) District to Light Manufacturing (M-2) District with Proffered Conditions for Light Vehicle Repair

Attachments: [Staff Report - updated for August](#)
[Presentation - August](#)
[Application & Proffers](#)
[Support Letter](#)
[Staff Report - June](#)
[Presentation - June](#)
[Presentation - July](#)

Ms. Bunting introduced Chief Planner Donald Whipple to make this presentation.

Mr. Whipple greeted the Council and provided a brief history of this item. He explained that the community plan future land use refers to this property as business industrial. He outlined the general public policy related to businesses, which speaks to land use proposals from a variety of perspectives, looking to nurture small and start-up businesses and strengthen older areas to support new and expanded activity. He stated that the Wythe Creek Road area has been classified as a business corridor with Wythe Creek Commerce Park zoned for construction and light manufacturing uses. The Wythe Creek Land Use Study, which resulted in the creation of the M-1 Zoning District, identified this area as attractive for hi-tech business, office, and research-type facilities, and to support LAFB/NASA. Vehicle-related uses were determined in the study to be inappropriate. Mr. Whipple provided background information beginning with the 1986 Land Use Study up through the community meeting held on May 17, 2022. He covered the applicant's proffered conditions which include use and development standards, parking, and outdoor storage. He shared the Planning Commission and staff recommendation of denial based on the results of their analysis which determined it was important to uphold the City's land use policies, uphold the intent of the M-1 Zoning District, and vehicle-related land uses would not be appropriate.

The Mayor opened the public hearing and introduced the applicant, Mr. Frank Michel. Mr. Michel greeted the Mayor and made the following statement: I'm back again. I see the Planning Commission's decision hasn't changed at all. They have been out there. After the last meeting here, they came out there several times. I

know that they have shut down a couple of businesses, I think it was five now. At this point, I don't know where to go from here. We are hoping maybe to get a conditional use permit just because literally I am trying to move 100 yards away into a facility, into an acre of land that is much less intrusive as compared to where I am at now. I am in a warehouse, one of the warehouses in the back so I think in time this rezoning, I don't think it is going to go away. Especially some of the businesses that have been shut down, a dance hall, Islander Sports that shut down, 20 years with a business license. They came in and said you can't have retail. But the City has been giving them a business license for retail for 20 years now. This gentleman here had one of the car facilities in the back that has been shut down. From my understanding, there's about five businesses that have been shut down. I'm really still talking about this corner. I'm talking about the same corner that has a garage existing now that fixes cars and has a NASCAR, I think it is #46, I'm sure everybody here knows. I am really talking about this corner. I'm not talking about this whole area. I know the City keeps looking at it, well we don't want to piecemeal it. Well, I'm a corner lot next to a car garage and I'm looking to put another car facility next to that. So, I'm hoping that somehow, someday, somewhere in the future they actually look at it for what it is. You're not going to put in a drive-in restaurant there right next to the trash burning across the street. It's just not going to happen. So at some point, we have to look at this piece of land and what's going on there and decide really what to do with it. Because I mean I don't even know the way they're coming down shutting everybody down, I don't even know where I could actually rent it out to people. Can't have cars there so you can't be a landscaping company but you know there are already two or three back there now. So I guess at the end of the day I'd like to have the City consider a conditional use permit to allow me to move 100 yards down the street until we, the City figures this all out because the corner at some point sometime in the future when you look at it you've got to figure out what am I going to do with this corner. What am I going to do with this land? What are you going to do with it? I mean it's great for our business. It's got great visibility, it's got room. No neighbors. No one complaining. No fumes. It is the perfect place to do what I do. And it is 1,000 times better doing what I do there than where I'm at now because I am surrounded by people now. I understand that I did get the permit years ago, 2013 to do what I do but this is a better place for what I do. Visibility, no offense to nobody then. I'm away from everybody and you know what, we have places to park. I'd like to get a conditional use permit to be able to at least utilize the facility until such time that it can be looked at more of piecemeal as opposed to the whole area. Because I think it does, once again, my corner lot and the car garage next door I think need to be looked at differently than the whole back of it. The whole back unit and what is going on back there. That's all I've got to say.

The Mayor introduced the second speaker, Mr. Danny Bradbury.

Mr. Bradbury made the following statement: I am one of the individuals affected by this rezoning. You talk about new and upcoming businesses. My friend and I had rented one of the warehouse units and we're mechanics so we would go there to work on our own personal vehicles because we didn't have a garage at home. After a little bit of time it started snowballing, people started wanting us to do work for them here and there and next thing you know, hey we quit our jobs and were starting something new. I went down to the City to try to get a business license and they told me no, it wouldn't be permitted for that type of business in that area. So I've been there for a little bit of time and they said they're basically against automotive repair. I met Ms. Cathy Ellis, she came out one day after the last meeting I guess doing some investigation seeing who was out there and what was going on. She told me I'm not going to give you a violation, I'm not going to tell you you've got to get out or anything like that. Well lo and behold a month later she did exactly what she said she wasn't going to do. I guess the big issue is cars sitting there. There are landscaping companies right across the street from me that have 27 vehicles, company vehicles with lawnmowers, weed eaters, things like that that all carry gas and oil, and everything else that is allowed to sit there. I have four parking spots, that's it. I understand that the City wants to stay with their policy that was instituted back in 1986. It may be a little archaic in my eyes because again, 10 years later the internet came out. Changed manufacturing everywhere in this country. Everybody is buying from everywhere else but local. I didn't have any intentions of starting a business or having this as a way to feed my family. It just came into fruition and I'm really happy and upbeat and finally almost 50 years old and getting somewhere in life. And lo and behold I'm told I can't do it. I turned a passion into a career and it's thwarted now from the City. I was hoping to possibly get a conditional use permit. Ms. Ellis said that it's hard to change a whole area to rezone to the next zoning, M2. She said, but they're looking to make an addendum for certain businesses. And that was my high hope. But apparently, it's just, I don't know, I have to appeal the violation I have as well as the other companies in that facility. Like I said, times change, things change and I'm just trying to go along with what's there. There are other companies out there that have the same thing. I work on little bitty Hondas. It's not heavy mechanic work. I don't work on big trucks or anything like that, just it's kind of what I'm known for is Hondas. I'm all for any kind of zoning change to just maybe help this man feed his family and I can feed mine as well. That's about it.

The Mayor closed the public hearing and then shared that after Mr. Michel's last appearance before Council, he recommended that the item be deferred because of Mr. Michel's statement that there were other businesses out there that were operating in automotive repair. Since the last hearing, it was determined that those businesses moved there because Mr. Michel was there and they were operating without a proper permit or proper zoning. Mayor Tuck stated he believes the reason why inspectors did what they did is that those businesses were operating

improperly. He asked the City Manager and City Attorney to offer why the City believes that the requested zoning is not appropriate for that particular area. The concern was that Mr. Michel had moved into, or was moving into that new space believing that other automotive businesses existed there and therefore it was almost like they were almost self-grandfathering themselves when they followed Mr. Michel's business being there.

At the Mayor's request, Ms. Bunting shared that as Mr. Whipple presented, the zoning map for that district was developed by a group of people. Modifying the zoning without involving the same group and not taking a comprehensive view of it disrupts the master plan for the area. She acknowledged that perhaps it was time to reconvene the group and update the plan. However, doing so outside of that process for an individual property is problematic from a legal perspective. It would open up a lot of other potential uses that have not been vetted through a public hearing. Ms. Bunting stated that she believes the presumption was that because the business was already operating through the Board of Zoning Appeals (BZA) variance that that variance might apply anywhere in the park and it does not. The BZA action applies only to the individual parcels, so Mr. Michel can continue to operate at his existing location and he will be fine. She indicated that the City will look to update that master plan and come back with a more comprehensive rezoning recommendation which may or may not allow the new facilities use for that, but that the City is not prepared to do that without going through a larger stakeholder convening and conversation.

Without going into details Ms. Bunting explained that for the other businesses that came after Mr. Michel's, the City's normal way of making sure a business is in a properly zoned location is through the application of the business license. The Commissioner of Revenue's office checks with the Zoning Administrator to make sure that before a business license is granted, the business is going in a properly zoned location. In the case of these other businesses that did not happen due to an error on the business's part. Ms. Bunting shared that it is not the intention to cause any business hardship, but it sometimes happens when a business does not go through the proper review up front. Ms. Bunting indicated that the Economic Development team has been asked to work with each of the businesses to help them relocate to a properly zoned location in the City, get the business license paperwork completed and make sure everything is compliant.

City Attorney Cheran Ivery confirmed the City Manager's statement that a conditional use permit is not something the City Council could consider unless the property was rezoned.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Steven Brown, that this Rezoning

Application be denied. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

Use Permits

Resolutions

11. [22-0231](#) Comprehensive Plan Amendment for the adoption of the 2022 Hampton Roads Hazard Mitigation Plan by reference into the Hampton Community Plan(2006, as amended), replacing the current 2017 Hampton Roads Hazard Mitigation Plan

Attachments: [2022 Hampton Roads Hazard Mitigation Plan Presentation](#)
[FEMA Letter](#)
[Hyperlink - Hazard Mitigation Plan](#)
[FEMA Cover Letter and Notice of Action - added post-meeting](#)

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

Mr. Hayes greeted Council and shared that this plan does not directly affect any land use policies but rather deals with hazards. It is a Comprehensive Plan Amendment to the Regional Plan that was adopted for the first time in 2017. Each of the 17 localities in the region contributed to the plan, which is expected to be updated and adopted every five years.

Mr. Hayes covered the process used to develop this plan as a regional effort involving AECOM as a consultant. He shared models and statistics relating to the hazards for the Region as well as Hampton-specific hazards. The modeling for the plan is derived from the Federal Emergency Management Agency's (FEMA) Hazards United States (HAZUS) Program data with consideration of how it impacts Hampton Roads. Mr. Hayes explained the ranking chart for each category measured by the impact and likelihood of occurrence along with associated costs. Regional leadership got together and went over the items to see how we experience things on the ground, despite what the models say, and how we would rank those. The evaluation resulted in sea level rise being bumped up to the highest level. Serious impacts would be felt in Hampton, LAFB, Naval Base, Norfolk, and other areas.

In response to Mayor Tuck, Mr. Hayes clarified that HAZUS is the modeling system

which comes from FEMA for developing these models.

Mr. Hayes shared revised planning goals which include: increasing community resiliency by reducing vulnerability to hazards, educating the public about hazard vulnerabilities and ways to reduce risk, and strengthening and developing partnerships for mitigating hazard impacts. Included in the mitigation strategies are public education, awareness, prevention, property protection, natural resource protection, structural projects, and emergency services.

In addition, he shared that adopting the National Flood Insurance Program's (NFIP) new Risk Rating system 2.0 helps make sure we retain lower rates for our residents.

In reviewing the Hampton Mitigation Action Plan Mr. Hayes noted that while the plan was primarily done by a consultant, much of the City staff from various departments helped bring it to its final version.

Mr. Hayes closed with the Planning Commission and staff's recommendation of approval of this item.

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

A motion was made by Councilmember Steven Brown and seconded by Councilmember Michelle Ferebee, that this Comprehensive Plan Amendment be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

PUBLIC COMMENT

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

Mr. Craig Knopp greeted the Council and made the following statement: Once again, you guys do an awesome job. We appreciate everything you guys do for us. You guys give us an opportunity to make our City better and I'm taking full advantage of that. Actually, one thing I'd like to do is that there is a planned cleanup over by the Coliseum and we're going to meet over by their parking lot around 5:30 on Friday. I got an individual who is interested so I'm going to take him over to HCC beforehand. Now, I say that, but he's stood me up one time already and I hope he doesn't do that to me again but we'll try again here. We have got to try, try, try to get these people out here. One other thing too is I do have a concern. On the State level in the House

of Delegates, during COVID they were staying at home doing zoom meetings and they were collecting per diem. That irked me a little bit and I let my delegates, former delegates and current delegates know that it did irk me a little bit. I have sent an email to the Commissioner of Revenue asking him whether they are allowed to do the same thing which is sit at home and attend a meeting in Hampton, at your Hampton home and receive per diem. I'm also going to do the same thing tomorrow, I'm going to follow up with you guys tomorrow. Whether it would be you can sit at home and do a zoom call-in to this meeting and collect per diem. And I'm going to do the same thing to the School Board. Like I said, that was an issue that irked me and I let everybody know about that. One of the other things that we are looking at possibly doing is, I need to follow-up. In July, I was very busy, vacation and a whole bunch of other stuff going on. The idea of putting the volunteer opportunities around for the children, I'll follow up with you Mary on that afterwards. But I want to try to compile that list and then make everybody aware of what opportunities there are in this City for children to volunteer outside of just doing cleanup and any other type stuff that would be boring. Try to get more people involved specifically children aged teenagers, with volunteering opportunities that are out there that would hopefully push them into volunteering. Like I said, I've been talking to these young individuals and one of the ladies that is the school board member for the school, I forget her name, but she was very helpful with helping us getting things out there and making us aware of stuff. One of them being over at Bluebird Gap Farm. I appreciate your time. Mary, I'll get with you after the meeting.

Mr. Chris Matthews greeted Council and made the following statement: I'm often going around town cleaning up in Buckroe and Coliseum and always talking to people trying to encourage them to take more stake in their community, to be a bigger part of it and just hearing what they have to say, if anyone has anything to say to me. One thing that I've come across more often recently that I think is something that could be changed is skate parks in Hampton. We have the one public skate park off of Woodland and Mercury, and a lot of parents don't feel safe letting their kids go there. They feel the streets are too busy. There's always a lot going on at that intersection and with the skate park being there, it's not somewhere they'd like to let their 12 year old go, or 14 year old go unattended. I have heard that people would like it in the Buckroe area. I was cleaning up looking at where the San Souci hotel was on 312 Resort Blvd and that cleared lot hasn't been utilized for a while. I haven't been able to find anything on my public search engine about what's happening with it. I'm honestly thinking that might be a great candidate for a beach skate park. It would attract a few more people to Buckroe, get them more involved in it and have more activities to do there. We've already built it up, it looks amazing and we could give it that little umph, right over the edge. That's really all I have to say tonight, thank you for your time.

Ms. Lakesha Kirkendall greeted Council and made the following statement: I'm here because I own a property at 306 Hollywood Ave, here in Hampton. My concern is the back of my property there is an alleyway, the City's alleyway. So it's between Hollywood Ave and Greenbrier. So between there, there's a common area that belongs to the City. It's unkempt and at one point it was just a small amount of grass. It is a jungle. I've also noticed that people are now coming and dumping things there. They're dumping tires, they're dumping debris because it doesn't belong to anyone. There was about four new houses put right there on Greenbrier. It looks like some of that debris from their contractors got put into there. I've had a number of complaints, well not complaints but concerns that I've called 311 with regarding that area. They took reports from me but the problem we ran into was they were sending my reports to different people. They would send it to sanitation, they would send it to Parks and Rec to see who actually was in charge of that area. The last conversation they told me they were sorry but it used to belong to a department but it no longer does. So now we're just at a standstill. I do have a picture, I'm sorry it's on my phone only, to show the area. It's scary and it's behind our residential houses. So I'm just looking for some type of resolution if it's just directing me to who could actually tame that. But it doesn't seem logical that the City would have an area that no one is responsible to maintain. So I'm just seeking some type of guidance tonight.

Ms. Ursula Barkers greeted Mayor Tuck, Ms. Bunting, and Council and made the following statement: Thirty years ago in 1992, I stood in these same Chambers and delivered the following speech to Mayor Eason and his Council members. Eight years ago we were deciding whether to build our new home in Denbigh, Newport News or in Hampton. Our builder informed us of all the ongoing efforts to improve and beautify the downtown areas of Hampton to attract more residents. We built our home on Greenbrier and raised our daughter alongside the hard working and caring families in this neighborhood. If we would have been aware of how the City would respond to future problems that arose, our decision would have been different. Greenbrier Avenue is a street with excessive traffic and no sidewalks. My then seven year old daughter could not safely ride her bike and walk down the street. Many contacts with the Police Department to get radar control setup have not been productive. The City told us if we wanted sidewalks we would have to pay 50% of the cost which was beyond the financial reach of most residents. In response to our constant complaints to the City Engineer about drainage issues, the City dug deep and wide ditches around the neighborhood. Upon return from work one evening, we found grotesquely wide and deep ditches along our property line. They made it even more dangerous to walk on the street because the ditches were too wide to jump across in order to avoid being run over by traffic. The water did not run off due to poor grading and the ditches quickly turned into a breeding ground for muskrats. I could no longer sit on my porch because the muskrats congregated on my neatly kept lawn and my daughter could no longer play in the front yard. The City told me

not to worry about these muskrats because they are harmless. Mayor Tuck and Council members, this was 30 years ago and the only thing that changed since then is that the ditches in the 500 block of Greenbrier were covered and replaced by a gigantic and industrial size drainage basin in our front yard to collect the rainwater running off the street. The open ditches in the 600 block where the street is narrower remain and often cause flooding of the entire block. On days when trash and recycling containers are lining both sides of the street there is no room for pedestrians and it is a challenge to maneuver a car through oncoming traffic. Now the City is considering the rezoning of the former school for the deaf and blind property and approving two large industrial buildings for the benefit of the Norfolk port. This will add 18 wheelers and traffic from the 400 estimated employees working on the site to our already busy neighborhood street. That will make our neighborhood unlivable, cause congestion on I-664, Aberdeen Road and Pembroke Avenue and subsequently increase traffic through our neighborhood. The damage to our environment and the devaluation of our properties will be immense. You cannot and you must not sacrifice the well-being of this predominantly black neighborhood for the benefit of a private developer. We don't need more traffic we need homes, a youth development center, a pharmacy and a grocery store.

Mayor Tuck stopped Ms. Barkers from making additional comments, as her allotted time had expired.

Ms. Nikia Miller made the following statement: I'm going to start my statement by making it extremely clear that I won't be deterred. I have no issue and I understand my power as a citizen of the City of Hampton to speak before the City Council and voice my concerns. Regardless of whether there's been attempts to malign my character, I won't be deterred with what I have to state. Now addressing what I want to speak about today which is leadership. The expectation of the citizens of the City of Hampton, of the City Council, is to expect that our City Council members show leadership. I've been speaking publicly in regards to what happened to my daughter. Rather than my character being maligned, leadership would have been an example of the following. There was a situation where a community activist had a rally and they were ticketed and then cited for disorderly conduct and arrested. One of my heroes, the late Will Moffett and other City leaders including the mayor at that time, not you, had a community meeting where they spoke with the Hampton Police, the Virginia State Police and other community leaders in order to solve the issue. If the City budget can have a line item for risk management to fund Hampton City Schools then the expectation that members of this City Council assist citizens when there is an issue to risk in Hampton City Schools should be observed. Before Councilman Moffett passed away we had a conversation in which he asked me do I want to continue to be a victim of Hampton City Schools and the School Board, or did I want to be a catalyst for change. I chose the latter. Again, the expectation of City leaders

in the City of Hampton is that you support those, especially those citizens, who don't have a voice because of their age. I hope that individuals that are on this Council, especially those that are up for re-election, understand that their silence is a statement. I have made a choice to be a part of the solution. My question is, will you?

Mr. Aaron Weaver greeted Council and made the following statement: I come before you today to speak to you directly as a bunch of us have, to speak to you directly in reference to the 750 Shell Road property, which is also known as the Virginia School of Deaf and Blind property. I come knowing that nothing has officially been submitted. I come knowing also that it's not in anybody's hands at this point and time. I just come to give my opinion and also my facts as well. This property was transferred out of the City's hands into Economic Development on August 17, 2016, which we've heard comments on WAVY that note that the hearing was January 11, 2017, and December 1, 2016. Those were the dates but the property was already transferred to Economic Development. I say that because of this, with Economic Development it's all about industry. I've seen articles from 2013, showing that's what was pushed at that time. Going to this time I've heard that nobody came to show up. We're coming to show up, we're coming to show up every time now because we care about this neighborhood, we care about this land. This should not be used for development in terms of light industrial as it's called. We are not just worried about climate, we're worried about also economic and we're also worried about redlining. I say that because of this, with this property being in this neighborhood, we know that trees will not stop the 24/7 trucks, 24/7 diesel fuel. That will not stop that. That will also, this property claims to give us 400 jobs. Jobs that a developer cannot make promises for a company that they have not even put into the building. It's going around being said about this and being said like this and being given to us citizens as if that's a one and only thing. I say all that to say this, I will be coming back, I will be bringing pictures. We do not need 2101 Aluminum Avenue. That is where a building with the exact same specifications already sits. We already see it every day that they have that kind of traffic. What we're saying that we want is housing. Just like the housing that is already on Towne Park and Briarfield. Those houses, I know you know where the intersection is. Beautiful housing. Right on the other side of that where flooding, the H2O. Beautiful housing as well. Different things, things to add to this neighborhood and that historic ground. Not a warehouse that's just going to sit there and if it gets full, when it gets full or whatnot. And then we get empty promises but then we have to live with this thing. We will be back for more. We will come back because we do care about this neighborhood, this community and everything at large. Thank you all for your time.

Ms. Joan Weaver greeted the room and made the following statement: I have lived for approximately 60 years, bona fide senior citizen, residing in the area that is

greatly impacted to the soon Virginia State School for the Deaf and Blind that is near and dear to me. My father worked there. I took classes there and it would be an abomination for City Council or anybody related to have anything placed there industrial related. I thank God for our Daily Press. They have made it a chronicle of how we as the residents in that area have come forward from approximately 2012, saying no to industrial zoning. I am very proud to say that I made the recent front page. We have been seen and we have been shown no to industrial zoning. That area has been recognized by the Virginia Historic Resources. Why in God's name would you want to desecrate it with something industrial? Would you go down the street to Fort Monroe and put industry there? No. We and 23661 are people of color it is an impoverished area. God is my witness how we have tried to struggle to make it what it is. Industries bringing hazard, headache and waste we don't need and we don't want. We have asked for housing. We have asked for community centers. That sacred land was there for skills for life. And what is that? Education. It makes us all a better people. Not an industry. We see the black lives movement came out about why oppression and depression of people of color. We should pull together as people of one to see in that community that it should not be. And that we need to build it to what it is. Last but not least and I will be quick, we are asking there will not be a biased, malignant misuse of decision maker authority and policy application by the City of Hampton. Hear us for what we have asked. Thank God for the Daily Press for bringing our cause forward. Treat us right. Give us what we deserve. We may be in 23661 but we're not uneducated; we're not impoverished. I stand here a Hampton University graduate. We have many more like that as well. We are an educated people. We bring dignity, treat us with dignity. No to industrial zoning. Thank you all and have a good day.

Mr. Andrew Stith greeted Council and made the following statement: I live here in Hampton, born and raised here. I'm going to be asking two questions and see can I get some solutions. As an environmental health and safety expert, and manager and doing all the studies I see a future in the City I was born in. When I was living in Pine Chapel back in the days I was looking at a golden opportunity that we can get out of poverty and everything. We can also educate ourselves and also look towards the future. I bring that question, I want to talk about putting solar power, and wind energy technology on all City offices, buildings, Redevelopment and Housing Authority buildings. Because, reason why, it will save money. Two, be off the grid and the electric company be paying us, paying the City and everything. Also, move onto the 21st Century. By living in the Section 8 housing a lot of the bills are really high for just living in there. I wanted to make that proposal, or I can write a proposal or what I have to do. The second thing is, why do Hampton charge seniors and handicapped for ambulance services and the patient have to pay it, have a hard time paying the bill? I could say three things, my mother had to use the ambulance service and I think she had to pay five hundred some dollars. My aunt had to pay a

certain amount. My grandmother and some other people saying the same amount. I'm just thinking why Virginia Beach doesn't do it. Some of the municipalities don't do it. Mainly a lot of times the insurance companies don't cover it so I'm just wondering why does the City charge for ambulance service and push the bill to the consumer that has a hard time paying it. That's all I got, thank you.

In response to concerns expressed during the Public Comment, the following information was shared:

Mayor Tuck referred Ms. Kirkendall to Director of Public Works, Mr. Jason Mitchell who was at the back of Council Chambers.

In response to Mr. Stith's proposal to put solar panels on City buildings, Ms. Bunting indicated that when the supply chain allows, the City intends to add solar panels to City Hall. While it is more environmentally efficient, it is sometimes not cost-effective to do the smaller buildings. Studies have been done in the past to look at the investment required and the length of time to get the return on investment to make it worthwhile to the taxpayers. The school system is doing its own assessment and as we don't control the school buildings AND she is unable to speak to the status of their analysis.

In response to Mr. Stith's questions about ambulance fees, Ms. Bunting explained that most of the ambulance fees in our area are covered by insurance other than a small co-pay. For people who don't have insurance or have difficulty paying, there is a way to request a waiver and Ms. Bunting stated she would get back to Mr. Stith with that information. The reason ambulance services charge is to help cover the cost of some of our EMS services so residents don't have to pay for it through real estate tax.

Concerning the Virginia School for the Deaf and Blind, Ms. Bunting mentioned as noted that it is not a matter that is before Council currently and explained the timeline for the property. She indicated that any meetings and notices will be properly advertised. Ms. Bunting stated that because it is a pending application, it would not be appropriate to address the merits or concerns.

Ms. Bunting confirmed that she and Mr. Knopp will follow up on opportunities for volunteers.

Ms. Bunting shared that the San Souci property in Buckroe is not appropriate for a skate park due to the investment and intent of the purchase of the property. She confirmed that she does hear the concerns that were raised about the existing park and assured that it is safe. She shared that requests have been made for more skate

parks and the Parks and Recreation Master Plan is currently in the process of being updated.

GENERAL ITEMS

Appointments

12. [22-0130](#) Consideration of Appointments to the Citizens' Unity Commission (CUC)

A motion was made by Councilmember Steven Brown to Dr. Kathreen Tadrous, Rev. Gretchen O. Nelson, and Walter V. Dickerson to serve first full terms expiring on August 31, 2026; to reappoint Jennifer W. Evans and Dr. Tameka Lett to second terms which will expire on June 30, 2026; and to appoint Phyllis H. Porter to serve the remainder of an unexpired term until June 30, 2023.

The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

13. [22-0219](#) Consideration of an Appointment to the Animal Control Advisory Committee

A motion was made by Councilmember Steven Brown to appoint Bianca Brooks to fill the unexpired portion of a term until May 20, 2025. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Mayor Tuck

14. [22-0221](#) Consideration of Appointments to the Board of Zoning Appeals

A motion was made by Councilmember Steven Brown to recommend appointment of Robie Tuck and Kevin Davis as alternates to the Board of Zoning Appeals. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray 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.

ADJOURNMENT

The Mayor reminded everyone that City Council is on the summer schedule so there will not be a second meeting in August. The meeting adjourned at 7:52 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 _____