



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, April 13, 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.

Present: 7 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Michelle T. Ferebee, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilwoman Eleanor Weston Brown

Councilwoman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck recognized Geoff and Dr. Marty Tennille for the holiday baskets that they often provide to the City Council and staff.

He also shared that the City Council visited construction sites earlier today at Mary W. Jackson Neighborhood Center, the Fox Hill Neighborhood Center, and the Hampton Aquaplex. He elaborated on some of the activities which will take place at the Aquaplex which will include a learn to swim component provided

by a partnership between the City of Hampton and Hampton City Schools.

CONSENT AGENDA

Clerk of Council, Katherine Glass, read the protocol for the consent agenda and a summary of the consent items.

Approval of the Consent Agenda

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

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

1. [22-0136](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the Virginia Housing Capacity Building Tier I FY22 Grant Awarded by the Virginia Housing Development Authority

Attachments: [Grant Proposal Overview - VA Housing Capacity Grant.pdf](#)
[Virginia Housing Grant FY22.docx](#)

item approved.

2. [22-0112](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget and Accept and Appropriate to the Grants Fund, the Lake Hampton and North Armistead Avenue Project; Sunset Creek Urban Channel Naturalization Project; Billy Woods Canal Project; and Big Bethel Blueway; Albany Drive at Big Bethel Road Project Virginia Community Flood Preparedness Fund Grants Awarded by the Virginia Department of Conservation and Recreation

Attachments: [Big Bethel Blueway Albany Drive Award Letter](#)
[Billy Wood Canal Award Letter](#)
[Lake Hampton North Armistead Award Letter](#)
[Sunset Creek Urban Channel Naturalization Project Award Letter](#)
[Lake Hampton N Armistead Project CFPF Grant Routing Granicus Packet](#)
[Big Bethel Blueway CFPF Grant Routing Form](#)
[Billy Woods Canal Project CFPF Grant Routing Form](#)
[Sunset Creek Project CFPF Grant Routing Granicus Packet](#)

Item approved.

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

3. [22-0148](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate \$218,530 of Financial Assistance Received from the Commonwealth of Virginia Department of Criminal Justice Services pursuant to the 2020 State Budget Appropriation of State Aid to Localities with Police Departments, also Known as 599 Funds, to the Police Division's Operating Budget

Attachments: [HB5005 - G585 Budget](#)
[HB5005 - 2020 GA Special Session - Item 408](#)

Item approved.

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

4. [22-0151](#) Resolution Affirming Commitment to Fund the Locality Share of Two Revenue Share Projects Under Agreements with the Virginia Department of Transportation and Provide Signature Authority

Item approved.

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

5. [22-0149](#) Resolution to Amend the Cost Allocation Agreement Between the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, and the Transportation District Commission of Hampton Roads
Item approved.

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

6. [22-0150](#) Resolution Authorizing Midwest Medical Transport, LLC d.b.a. MMT Ambulance to Operate Within Hampton, Virginia
Item approved.

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

7. [22-0144](#) Approval of the minutes from the work, ceremonial and legislative sessions of March 23, 2022.
Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

There were no presentations.

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Rezoning

8. [22-0143](#) Rezoning Application by Satya Sai, LLC of +0.23 acres at 1545 Briarfield Road [LRSN: 3005382] from the One Family Residential (R-11) District to the Neighborhood Commercial (C-1) District with Proffered Conditions to Permit a Restaurant Without an Alcoholic Beverage License

Attachments: [Application](#)
[Concept Plan](#)
[Proffer Statement](#)
[Staff Report](#)
[Presentation](#)

Ms. Glass read the title for the item.

City Manager Mary Bunting introduced Planning and Zoning Division Manager, Mike Hayes, to present the item.

Mr. Hayes greeted those on the dais and began reviewing the slide presentation which provided information about the application related to site location and zoning. Mr. Hayes paused to clarify that the restaurant has not operated for more than two years and since it is zoned single-family, an operation of that sort cannot re-open after being closed for that long; therefore, the proposal is to rezone a restaurant building to a commercial district.

Mr. Hayes spoke about the Future Land Use Map and Public Policy as they relate to the application. He also reviewed a group of slides which depicted the site's existing conditions, the proposed concept plan and proposed improvements.

Mr. Hayes noted that this will be a take-out establishment only, as the building is not set up for indoor dining. He also reviewed staff's analysis of the proposal and shared a few of the proffered conditions related to alcohol, the concept plan and screening. He then closed the presentation and stated that staff and the Planning Commission recommend approval of the item with 7 proffered conditions.

Mayor Tuck opened the floor for questions and comments from Council. No discussion took place.

PUBLIC HEARING:

Mayor Tuck opened the public hearing.

Mr. Raymond Suttle, Jr., Attorney with Jones, Blechman, Woltz and Kelly, greeted those on the dais and made the following statement: I represent the applicant in this matter. I'd like to thank staff. They've done a wonderful job of getting us through the process. Mr. Hayes gave a thorough review of the application. I'm happy to answer any questions. I just would remind you that while it is a rezoning, it has those proffers which really control and restrict the use of the property. That is a little bit of protection. It is just not a full rezoning. Those proffers help and restrict the use in

the site plan and the landscaping and that sort of thing.

Mr. Suttle asked for Council's support and then opened the floor for questions.

Councilman Bowman asked a few questions about the fence at the site. Mr. Suttle shared that the fence is of sufficient height, but that he did not believe the fence material is specified in the proffers.

Mayor Tuck opened the floor for additional comments. No further discussion took place. Mayor Tuck closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Zoning Ordinance - Map be approved with seven (7) conditions. The motion carried by the following vote:

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

Use Permits

9. [22-0138](#) Use Permit Application by Atlantic Machinery, Inc. to Permit Heavy Vehicle Repair at 2201 Minge Drive [LRSN 1000437]

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

Ms. Glass read the title for the item.

Ms. Bunting introduced Chief Planner, Donald Whipple, to make the presentation.

Mr. Whipple greeted those on the dais and reviewed the slide presentation which provided information about the application related to site location and the proposal. Also included in the presentation were images of the site from an aerial view and images of the site elevation.

Mr. Whipple continued reviewing the presentation which provided background information about the item as well as information related to zoning; the Future Land Use Plan and Public Policy; staff's analysis of the proposal; and the recommended conditions.

Mr. Whipple stated that the Planning Commission and staff recommend approval of the use permit with 7 conditions and then opened the floor for questions and comments from Council. No discussion took place.

Mayor Tuck opened the public hearing. There were no speakers. The Mayor closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, 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, Councilmember Ferebee, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck

Ordinances

10. [22-0142](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 2-2 Entitled, "Definitions" Pertaining to the Definition of Improved Surface

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

Ms. Glass read the title for the item.

Ms. Bunting called upon Mike Hayes to return to the podium to present the item.

Mr. Hayes greeted those on the dais; introduced the item; and shared the goals of the amendment which are to allow greater flexibility in the type of driveways which can be installed; to ensure that vehicles are being parked in an esthetically pleasing way; to maintain the integrity of properties and the quality of surfaces that vehicles are parked on; and to ensure enforceability of the ordinance.

Mr. Hayes reviewed the presentation which provided the definition of an improved surface under the existing ordinance; the definition of an improved surface under the proposed ordinance; and a bit of information about porous paving systems. Mr. Hayes stated that the Planning Commission and staff recommend approval of the amendment.

Mayor Tuck opened the floor for discussion.

Councilman Hobbs commented that some research was done the last time this topic came up, and in his opinion, this is an acceptable surface which is not difficult to install, is environmentally friendly and looks good.

No additional discussion took place.

Mayor Tuck opened the public hearing. There were no speakers. The Mayor closed the public hearing.

Mayor Tuck took a few moments to share how this may apply to him and thanked staff for presenting this option.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

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

PUBLIC COMMENT

The Mayor called a brief recess to allow the public comment speakers list to be compiled.

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

Mayor Tuck indicated that six people signed up to speak and that he would call upon speakers two at a time to come forward and alternate between the two microphones. He then called upon Judy Parasuk and Theresa Marino.

Ms. Judy Parasuk greeted those on the dais, noted that she lives in the Buckroe area of Hampton, and then made the following statement: I received a change in assessment for my home, but I also received four other peoples', and I was kind of alarmed because looking at them, mine has changed dramatically as far as my land was assessed and I'm wondering why mine was so much greater than everybody else's. I've never had this issue before. I don't know how to handle it, but I'm concerned because as a senior citizen, a disabled senior citizen, the taxes keep getting higher and higher and my flood insurance is killing me and I just don't have the money to keep up with it. So, I don't know what to do.

Mayor Tuck indicated that Council does not respond during the public comment period; however, staff will be in contact with Ms. Paranuk to provide information.

Ms. Theresa Marino greeted those on the dais and made the following statement: I'm here to represent a bi-partisan committee on recruiting officers of election. I know a lot of people have been concerned with what they think is voter fraud or election problems and the best way for us to address these issues is to get involved. So, I just want to bring about awareness to everyone, everywhere that I go to tell them that if you are concerned about voter fraud or election problems that you should get involved. The way to sign up is at the Board of Elections. It's important that you sign up under your party and the reason being is because ideally, we should have equal amounts of republicans and democrats at every precinct, and this is not the case. Right now, democrats are the majority, three to one, at the precincts and we want to make that equal for everybody's benefit, so that there is no pointing of the finger and there's no people complaining about who's in charge. So, the Board of Elections definitely wants to encourage people to come down to register. We need poll watchers, which is an unpaid position, that is a volunteer position, and we also need officers of election. That is a paid position on Election Day. We have early voting and we have Election Day voting. So, on Election Day, everyone is paid. There is a short training for each, and the best way to get involved is to download, from the website, the application and to spread the word. I'm just asking everybody to spread the word that if anyone is concerned about voting and keeping our elections free and fair, they should get involved and the way to do it is through the Board of Elections and to properly register under your party. Thank you.

Mayor Tuck called upon the next two speakers, Teresa Roundy and Chris Matthews.

Ms. Teresa Roundy greeted those on the dais and made the following statement: I'm a resident of Hampton, and I'm here to talk about Barnes Cemetery again. I've been doing this since 2005. It is a two-acre cemetery by deed, not two acres with a cemetery on it. It's located at 213 Woodland Road, which is up by Jack's Restaurant. Somewhere, a few years ago, they took three quarters of an acre out and put it into 217 Woodland Road. The bodies are still there. In 2005, the developer, Woodland Project, LLC, purchased it. They removed 11 vaults and declared it free of bodies. Well, a cemetery - you can put 800 to 1,200 people in one acre. Now, this is a two-acre cemetery. So, potentially, there is 1,600-2,400 people that can be buried there. It was purchased around 1880 by Colonel Norflete Seabarnes of Phoebus, as a cemetery. One of his parents was the first burial that we know of in 1885. Now, embalming solutions started around the Civil War time because the union soldiers were here, they were dying and they wanted to have the bodies sent back to their families up north. By horse, the body wouldn't be able to

make it that far, so they started embalming. Most of those were pretty much, mostly arsenic and then as the time went on, they used arsenic, copper and mercury. And as we know, those do not dissipate overtime. So, that is still in the ground there. Vaults did not come into play until the early 1900's, around 1920 or so. Most of these people would not have been buried in there. One of the friends of one of the developers did ground-penetrating radar and the required other qualifications is they have about five months' worth of training. They did ground-penetrating radar and they got the anomalies. You should have an email with this and you can see the little bumps. It's not like CSI where you see the person going...I'm down here...you just have anomalies in the ground. I did also send a copy of a YouTube video on the people that do it as a living and have been doing it for decades.

Mayor Tuck indicated that Ms. Roundy's speaking time had expired. Ms. Roundy indicated that she would be present following the meeting if anyone had any questions for her.

Mr. Chris Matthews greeted those on the dais and made the following statement: I'm here on behalf of the PAA Soccer League. I'm volunteering as a youth coach for ages six and under and we have an upcoming meeting with Parks and Rec on improving our ability to work with the City. It's something that I wanted to bring to everyone's attention, so maybe we can start brainstorming before we get to the meeting because we are going to be facing issues with storage of equipment and use of parks and facilities that we need to play our games and practice for our games. So, it's something that I want to keep with now that I am coaching for them. I want to be able to help keep these kids off the street. We have 500 kids in the league and we have around a 60-75% return rate depending on the youth league. So, it's something that I see as an asset to the City that we could all benefit from by just maintaining a healthy relationship and making sure we can come out with the best results for the kids. That's really all I have to say. I just want to bring awareness to it. Thank you very much.

Mayor Tuck shared that Dave McCauley, the City's Director of Parks, Recreation and Leisure Services, is a very fair person and is present and available to arrange a pre-meeting.

Mayor Tuck called upon the last two speakers, Carrie Rhoades and Nikia Miller.

Ms. Carrie Rhoades greeted those on the dais and made the following statement: I'm here to advocate for the dredging of Riverpoint Canal by Gosnold's Hope Park. Some of you know me and have worked with me. I used to work at NASA. Two weeks ago, Michelle (Ferebee) was my boss. But, I also put on the Maker Faire for the City in addition to working with NASA. I've been working with the City very

actively with Bruce Sturk and Yaz (Mike Yaskowsky). I'm fairly active. This is the first time I've come up to talk to you all. I moved out here in 2010. I was living out on Buckroe Beach. I chose to move down and bought a house on the water. I chose to stay in Hampton to be on the water. When I bought my house, there was a 30-foot boat there. Plenty of water. Didn't touch the ground. Ten years later, I can't even get out in a kayak without having to tie my tidal access to the water. I'm asking for your advocacy and support in the dredging. There's a CIP proposal that's in and I'm just asking for your support for it, and that's all I have. Thank you.

Ms. Nikia Miller greeted those on the dais and made the following statement: I'm here again. "Choose Hampton", a robust and exhaustively expensive Marketing and PR Campaign in order to try to attract people to the City of Hampton. Why Choose Hampton? That's a question I've been asking myself for well over the last two years. Why choose Hampton when you have a school system where conversations about sexual assault and non-compliance with IEPs (Individual Education Programs) are an issue? When you have City leaders who would rather present themselves acting like preschoolers on the very night that we're discussing a missing four-year-old child. Why choose Hampton when you have leaders who are elected into positions and there's a clear understanding that there are things that they can and that they cannot affect, but it is their responsibility to support and to be aware of what's happening with families in Hampton and to be willing to help at all times. Why choose Hampton? Why not choose Newport News when you have a Mayor and a City Council who's more than willing to have conversations with Newport News City Public Schools? Why not choose Norfolk who has an actively free summer camp program for children that they have expanded and where they have enabled their citizens to be able to sign up in a more effective way? A city where they had a special meeting to address the crime rate that has risen in their city; whereas, in the City of Hampton, it seems like quiet is kept. Why choose Hampton? I have been a lifelong citizen of the City of Hampton, and there has never been a moment in my life where I have been more disappointed in where I am from. That is something that I am more than willing to do what I can to change. I am more than willing to put myself on the line for the children of our City and the citizens that we are here to represent. What I don't understand is why aren't you?

Mayor Tuck indicated that Ms. Miller was the last person signed up to speak, and, therefore, closed the public comment period.

GENERAL ITEMS

There were no general items.

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There were no items of new business. Mayor Tuck congratulated retired Lt. Gen. Darrell K. Williams, the next President of Hampton University and wished Godspeed to Dr. William Harvey following over 40 years of his service to the university.

ADJOURNMENT

The meeting adjourned at 7:16 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 _____