



# 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 Linda D. Curtis*  
*Councilmember Jimmy Gray*  
*Councilmember W.H. "Billy" Hobbs*  
*Councilmember Will Moffett*  
*Councilmember Teresa V. Schmidt*  
*Councilmember Chris Snead*

*STAFF: Mary Bunting, City Manager*  
*Vanessa T. Valldejuli, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, August 9, 2017**

**6:30 PM**

**Kecoughtan High  
School, 522 Woodland  
Road, Hampton, VA  
23669**

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### CALL TO ORDER/ROLL CALL

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

**Present:** 7 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead, Councilmember Will Moffett, Councilmember Teresa V. Schmidt and Mayor Donnie R. Tuck

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilmember Moffett

Councilman Moffett gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck thanked Hampton City Schools for allowing the City Council to use Kecoughtan High School for the meeting while Council Chambers in City Hall is being renovated.

Mayor Tuck introduced the Virginia Crusaders, a semipro football team, coached by Mr. Larry Stith. Their record since their founding in 2006 is 143-19. They have won several championship and title games. Additionally, they partner with other

organizations to host football camps and clinics, work with local youth bands, and have expanded their program to include youth between four and fourteen. They also partner with the Peninsula Foodbank and work with nonprofits to address gang violence and at-risk youth.

Mr. Stith thanked Mayor Tuck, Council, and City staff for their support. He introduced several members of the team and representatives from the youth program. He also went into further detail about the community work done by the team and noted that the program is nonprofit.

Mayor Tuck asked if the season was just starting. Mr. Stith stated that they are about to play their fourth game of the season and invited citizens to come out to the games.

Mayor Tuck introduced Mr. Kraig Cole and Ms. Lisa Adkins from the Hampton Cup Regatta. Mr. Cole noted that the Hampton Cup Regatta is an international event and is the oldest continuously run motorsport event in America. The event this year will be held September 23rd and 24th, with a special kick-off reception at Oozlefinch Craft Brewery on Fort Monroe on September 22nd.

Councilman Hobbs noted that the Hampton Cup Regatta partners with many different events and organizations in the City.

Mayor Tuck announced that City Attorney Vanessa Valldejuli will be out for the next eight weeks due to knee surgery. Tonight, Senior Deputy City Attorney Patricia Melochick will be filling in for her.

## CONSENT AGENDA

Ms. Katherine K. Glass, Clerk of Council, read the protocol for the Consent Agenda and a summary of the items being voted on this evening.

### Approval of the Consent Agenda

Motion made by Councilmember Snead, seconded by Vice Mayor Curtis, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

1. [17-0232](#) Approval of the minutes from the special sessions of June 28, 2017, and July 12, 2017.

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

2. [17-0253](#) Resolution to Accept and Appropriate the 2018 Foster Grandparent Program Grant through the Corporation for National and Community Service

**Attachments:** [Grant Proposal Overview](#)  
[Corporation for National and Community Service](#)  
[Notice of Grant Award](#)  
[Newport News - Department of Budget and Evaluation](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

3. [17-0262](#) Resolution to Accept the 2017-2018 Victim Witness Program Grant from the Virginia Department of Criminal Justice Services and Appropriate Those Funds for Use by the Hampton Victim Witness Assistance Program

**Attachments:** [FY18 Award Letter](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

4. [17-0263](#) Resolution Appropriating \$17,740.00 in Court-Awarded Attorneys' Fees for Judicial Tax Sales to the Fiscal Year 2018 Operating Budget of the City Attorney as Authorized by Virginia Code §58.1-3969

**Attachments:** [Code of VA 58.1-3969](#)  
[Entered Final Decree \(30 Langston\)](#)  
[Entered Final Decree \(31 Fulton\)](#)  
[Entered Final Decree \(33 Fulton\)](#)  
[Entered Final Decree \(410 Chapel\)](#)  
[Entered Final Decree \(431 Highland\)](#)  
[Entered Final Decree \(1214 LaSalle\)](#)  
[Entered Final Decree \(101 Wilson\)](#)  
[Entered Final Decree \(Beverly\)](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

5. [17-0264](#) Resolution to Accept and Appropriate Fiscal Year 2018 Grant Funding for the Virginia Drug Treatment Court Grant Program Awarded by the Virginia Supreme Court, Office of the Executive Secretary to Continue the Hampton Drug Treatment Court Program for the Eighth Judicial Circuit Court of Virginia

**Attachments:** [Statement of Grant Award Acceptance](#)  
[FY18 Grant Approval Letter](#)  
[Statement of Grant Award Special Conditions](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

6. [17-0266](#) Resolution to Accept and Appropriate 2018 Virginia Homeless Solutions Program Grant through the Virginia Department of Housing and Community Development

**Attachments:** [Grant Proposal](#)  
[Grant Agreement](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

7. [17-0267](#) Review and Approval of the Hampton-Newport News Community Services Board FY 18 Performance Contract with the Department of Behavioral Health and Development Services

**Attachments:** [Performance Contract](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

8. [17-0269](#) Resolution to Accept and Appropriate State Fiscal Year 2018 Part C of IDEA Grant Funding Awarded by the Department of Behavioral Health and Developmental Services Early Intervention Services for Infants and Toddlers with Disabilities and Their Families

**Attachments:** [FY18 IDEA Contract](#)  
[Grant Forms 2018](#)

Item approved.

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

### Items Taken Out of Order

City Manager Mary Bunting requested that items #17-0249 and #17-0250 be taken out of order.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that items 15 and 16 be taken out of order. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

15. [17-0249](#) Ordinance to Amend and Re-Enact Chapter 9 of the Zoning

Ordinance of the City of Hampton, Virginia Entitled "Overlay Districts" by Amending Article 2, Entitled "O-CBP District - Chesapeake Bay Preservation Overlay"

**Attachments:** [Red Line](#)  
[Planning Commission Resolution](#)  
[Presentation](#)

This item was taken out of order in conjunction with 17-0250.

City Manager Mary Bunting stated that Councilmembers have had a series of questions about these ordinances. Staff is also working on some potential changes to the Chesapeake Bay Preservation District. In recognition of this fact, staff is recommending that these items be referred back to the Planning Commission so all changes can be accommodated at one time.

Ms. Bunting also noted that when an item is referred back to Planning Commission, this restarts the Public Hearing process. This will allow the public time to speak, both at Planning Commission and when it comes back to Council.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that this Zoning Ordinance be deferred to the Planning Commission. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

16. [17-0250](#) Ordinance to Amend and Re-Enact Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining to Chesapeake Bay Preservation District Definitions

**Attachments:** [Red Line](#)  
[Planning Commission Resolution](#)  
[Presentation](#)

This item was taken out of order in conjunction with 17-0249.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that this Zoning Ordinance be deferred to the Planning Commission. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

## PRESENTATIONS, PROCLAMATIONS, AWARDS

9. [17-0272](#) For the Record - A New Tool for Communicating with Citizens

Attachments: [Presentation](#)  
[Record.crime](#)  
[Record.mosquitoes](#)

Ms. Bunting noted that she had suggested a new communication tool for answering residents' questions during the budget season. As questions are brought to the City's attention, they are answered via email or letter, but this system will allow the City to put out that information on a weekly or biweekly basis to the whole City. She introduced Ms. Robin McCormick, Communications Strategist, who presented on this item.

Ms. McCormick stated that this system is designed to get input from and send information to citizens. She noted that if a person asks a question of City staff or Council, more than likely several people will have the same question. While most of the questions asked have answers that exist somewhere, this will allow citizens to receive information in a concise way. This program will allow Marketing to take a weekly topic and address it for citizens.

Ms. McCormick noted that people receive information in different ways, so Marketing will try to use as many information channels as it can. There will be short videos, social media posts, an advertisement in the Daily Press, and posts on the City's "Top News" website. The Daily Press advertisement will have a trial run of twelve weeks, and then the cost will be reevaluated. She stated that the short video might contain enough information for most people, but others will want more information on the issues they are passionate about, so a longer Q&A will be available online with more details and explanations.

Ms. McCormick stated that if anyone has a question they would like the City to address, they can email it through a link on the City's website. Marketing is starting with questions they have received so far. All the information will be archived on the City's website. She shared examples of how this information will be presented.

Ms. McCormick noted that Facebook downgrades news posts from pages and reviewed the steps a citizen can take to ensure this does not happen to them. She stated that statistics show almost everyone in the City will have access to this

information. She urged people to look for the information and share it on social media, as the algorithms will show the news for more people the more it is shared. She shared examples of the short videos that will be presented.

Ms. McCormick thanked PEG-TV for working on this project.

Councilman Moffett stated that he believes this is a wonderful tool. He requested that Ms. McCormick share Marketing's statistical data in the future. He asked how Hampton ranks on its community outreach related to its neighboring communities. Ms. McCormick stated that the City has been invited to speak at national conferences about its community outreach. Many localities have not adopted social media or do not use it to interact with citizens. She noted that Hampton has almost as many Facebook followers as Norfolk, a city three times the size of Hampton. The Hampton Police Department (HPD) account is by far the most active.

Ms. Bunting noted that Assistant City Manager Laura Fitzpatrick was recently sent a picture by a colleague from a conference in Michigan, where the City of Hampton was being used as an example for community engagement. She noted that while the City has been recognized nationally, the community outreach is not enough until it reaches every citizen.

Presented by Robin McCormick, Communications Strategist.

## **PUBLIC HEARINGS**

Ms. Glass read the protocol for Public Hearings.

### **Rezoning**

10. [17-0251](#) Rezoning Application No. 16-00012: by Marlyn Development Corp. and AH&H Corp. at 1300 N Mallory Street [LRSN: 12005714] to rezone from Multiple Dwelling (MD-4) District with conditions to One Family Residence (R-9) District with conditions



**Attachments:** [Application](#)  
[Narrative](#)  
[Survey p1 RZ16-00012](#)  
[Survey p2 RZ16-00012](#)  
[Proffer Statement](#)  
[Title Certificate](#)  
[Concept Plan](#)  
[Elevations](#)  
[Staff Report](#)  
[Presentation](#)  
[Applicant's Presentation](#)  
[Presentation - Updated 8/8/17](#)  
[Staff Memo - Supplemental](#)  
[Staff Report - Supplemental](#)

Mayor Tuck recused himself from the discussion and vote on this item, surrendering the gavel to Vice Mayor Curtis.

Ms. Bunting noted for the record that the applicant has new proffers to introduce and asked Council to allow Mr. Larry Cumming, the applicant's attorney, to speak to Council first. The staff presentation will address the impact of the new proffers.

Mr. Cumming stated that the applicant believes it has achieved a solution that will be acceptable to the requirements of the City and Zoning officials. The applicant is requesting that its original application be amended from an R-9 rezoning request to an R-4 rezoning request, which was what the original application requested.

Senior Assistant City Attorney Bonnie Brown stated that the State Code and the City's Zoning Ordinance allow the Council to accept changes to an application at the Public Hearing, provided that they meet certain criteria. Because the zoning district change request will change the request from a less restrictive to a more restrictive district, it is permitted. As the proffer changes are minor, and not material in nature, they are permitted. This application was heard by the Planning Commission under the R-4 district request. Council has the option to refer the application back to the Planning Commission for further consideration or advice, defer the application to another City Council meeting, or accept the changes presented by the applicant tonight.

Ms. Bunting introduced Mr. Mike Hayes, Chief Planner, who presented on this item to include the requested changes.

Councilman Moffett asked if there will be any flooding impact to the surrounding community. Mr. Hayes stated that only conceptual site plans have been submitted. More detailed, fully engineered site plans would need to be submitted and reviewed before building permits are issued. They would be required to meet all stormwater requirements on site before construction could begin.

In reference to Slide 14, Councilwoman Schmidt asked what the red and green sections represented. Mr. Hayes stated that the green represents the wetlands and the red represents the 100-foot buffer required by the Chesapeake Bay Preservation District. The developers cannot build homes in the red and green areas.

Councilwoman Schmidt asked if it was possible to elevate the homes and create a crawl space below the house. Mr. Hayes stated that this might be addressed in the applicant's presentation.

Mr. Cumming provided a presentation to Council. In reference to Councilwoman Schmidt's previous question about elevation, he noted that the developers will not be building crawl spaces, but the homes will be elevated, and the appearance will be as if it is on a crawl space. In reference to Councilman Moffett's previous question about flooding, he stated that the engineering analysis has indicated that the developer can regrade the existing site, reducing the high points and filling in the low points so there will be little to no offsite material brought on the property. There will also be a retention pond that should prevent flooding from this property to the surrounding neighborhood.

Mr. Cumming requested the opportunity for rebuttal at the end of the Public Hearing.

Councilwoman Schmidt asked if the new builder would consider elevating the homes to have a crawl space. Mr. Cumming stated that they have discussed this and there are too many problems with open crawl spaces. It will appear as if it is on a crawl space instead.

Vice Mayor Curtis opened the Public Hearing.

Mr. Marshall Brown greeted those on the dais and made the following statement: My concerns: traffic, noise, infrastructure. My biggest concern: Tulip Street connection, flooding, and transparency. I am not opposed to development on this property. I'm opposed to how it is being done. The Planning Commission staff evaluation dated February 2, 2017 shows on page 8 the existing property being raised 48-inches before construction of new homes. On July 11, 2017, I was handed an explanation of the rezoning. It stated, and I quote, "The project grading will require little if any

import/export of soil for development.” Then, this information was handed to me from the applicant. How does the staff evaluation get changed, and changes handed out by the applicant with no discussion by Planning Commission, with citizens and neighbors. The applicant has managed to meld together two rezoning requirements to suit what they want to do. This application has been denied by the Planning Commission and denied once in the March 8, 2017 City Council meeting with the main denial point being flooding. What has changed? Regardless of the property being raised or not, when the vegetation is removed, excessive rain and stormwater are going to runoff and the runoff is on the highest end of the property. The runoff will run to the properties to the southwest, which is in the direction of my property and the properties of my neighbors. There is approximately a seven-foot elevation change from Mallory Street to Mill Creek. The runoff pond as shown on the site plan is on the highest end of the property. Water does not gravitate uphill. A different arrangement with homes being in the center of the property, a u-shaped roadway off of Mallory Street, would basically eliminate the runoff problem with no Tulip Street connection needed. The residents on the north and south side would look at the front of homes rather the back of homes. Daily Press, February 12, 2017 article “Raising Tide, Falling Values” talks at length about flooding. No one on the City Council should have to be reminded of what has happened in the Riverdale section during a bad storm. Flood insurance should be required before the discussion is made on any development, even in the application and its Council - well, I guess I’ve run out of time, but one more thing. Flood insurance is a big deal killer to the very end of the transaction, and this is from Rose & Womble Realty. Thank you very much.

Ms. Lucille Payne greeted those on the dais and made the following statement: I’ve lived next to the Shelton property, 1300 North Mallory Street, for over 50 years. I have voiced my concerns at past meetings about rezoning this piece of property for multiple homes to be built. My concerns are flooding, increased traffic, more noise, trash, cutting through, accessing streets giving access to the new development. What about wildlife, clean waters, taking care of our God-given resources, digging up and covering up Civil War and earlier artifacts that’s there? Some people speaking out in favor of the rezoning have businesses and it would mean more customers to their business and I get that. Some want the big houses built, because the values of their homes will increase, I get that. Some want to make more money from the sales of these big houses, and that means more taxes to be made, I get that. My business here, and my interest, is my home, my neighborhood, and I hope you all get that. It was said that we wouldn’t be happy with anything that was built, but that is not true. Many changes are good, but let’s look beyond ourselves and think of others that will not benefit from this division with so many houses. Less homes with bigger lots would make more sense and hopefully all of us could rejoice. But several main streets - or build main streets to the development and connect to Mallory Street and do cross streets from these homes leading back to these streets. With that

much land to build on, all streets should be paved within the subdivision so that existing neighborhood streets should not be bothered. If flooding is not an issue or concern, why did Mr. Huff put in his letter changes that stated that in the event of fire, flood, and other emergencies, a right of way and curb/gutter would provide alternative access to the existing neighborhood for public safety? One last thing. I understand that a meeting was held on August 2nd with the Planning Committee and the developers. Why were we not - and that's the neighbors of the neighborhood - why were we not a part of this, being that it's going to be such a dramatic effect on us? Where are our rights? How many of you all have walked and seen that property and our streets? I would just urge you all to do that, please, before you - that you will walk this property and all before you vote on this and to see our concerns. Thank you so very much.

Mr. Troy Brinkley greeted those on the dais and made the following statement: I'm a commercial real estate broker who has specialized in land acquisition and development for the past 30 years in the local market. I was asked by the landowner to assess the marketability of the subject property in light of the current zoning of MD-4 that now allows up to 275 multifamily units. After reviewing the approved site plan and project plans that were in place, I recommended to the owner that a rezoning to single-family detached lots would be more compatible with the surrounding homes versus a large apartment project on his property. This is even more apparent when you look directly across the street from the site to the seven or eight homes that were built in the last ten to twelve years. The project before you this evening would reduce the total number of units by 234. In my 30 years of practice, I can think of very few instances where downzoning of this magnitude has been proposed by a landowner. This transition and product is due to the housing market rebound as values have risen and interest rates have remained low. This has created strong demand for both single-family and detached housing. This planned community would provide quality for-sale housing versus rental units to this area of Mallory and offer vistas of the waterfront while maintaining a protective buffer around the water's edge. I believe this property will definitely be developed because of the beautiful water views and character created by the neighborhood. It could be, as currently zoned, with 275 units, or with this much less intense single-family development of 41 lots and homes. I would ask you to vote yes to this reduction in density and compatibility with the surrounding neighborhoods as acknowledgement this use is more appropriate than the current MD-4 multifamily zoning. On behalf of the landowner, Frank Huff, he asked me to also thank the citizens of Hampton who have taken their valuable time this evening to come out and support this project. I would ask them now to stand as a sign of their support for Shelton on the Bay. Thank you very much.

Mr. Andy Bigelow greeted those on the dais and made the following statement: I am

here speaking to you tonight as a resident of the Hampton community, a long-time member and past Chairperson of the Hampton Neighborhood Commission, and as a past participant in a number of City of Hampton planning efforts aimed at improving Hampton's neighborhoods and areas such as Coliseum Central. I'm glad to see that the Planning Commission and the applicant have come together and come up with something that they both feel will work. I was disappointed with Planning's reaction in the past, but this is much better. I looked at the Hampton - or the Buckroe Master Plan, and I honestly think that it's kind of a pie-in-the-sky approach. It's somewhat impractical. This is a more practical approach to the redevelopment of the Shelton property in my view. The plan that's outlined on paper is ten years old - over ten years old - it's a pie-in-the-sky approach that's not really realistic for a number of reasons that I don't have time to get into here. But it reminds me of the high-minded approach initially taken to the redevelopment of a flagship piece of property that we were working on in the Coliseum Central area years back, at the southwest corner of Mercury Boulevard and Coliseum Drive. After turning down a whole number of realistic, good proposals to develop that flagship piece of property, eventually, over the years, it was approved for development and construction of a Hooters at that site. It's still there today. It's okay as far as somebody's view, I guess, but certainly not what was originally planned. I think that this plan in front of you tonight is a positive development of that piece of property and I would hate to see somewhere down the road, a different crew of people approve a Hooters-like establishment at 1300 North Mallory Street. It can happen; it's happened before. I think you don't need to kick this plan down the road, I think you need to do something positive with it now, and I would encourage you to approve it. Thank you. Thank you for your time.

Mr. W. E. Holtzclaw greeted those on the dais and made the following statement: I live next door to this project, not like a lot of the people here talking against it and for it, I live next door to it. I'm all for building quality homes. The pictures he put up there of these homes, they look great. I admit that, they look great. But with seven feet to the property line, they're not homes, they are glorified apartments. Go up here to Buckroe Beach, to these houses that are for sale up there. Ask the homeowners what they think of their house, most of them will tell you they're glorified apartments. They have parking in the rear. Are they going to have parking on the street for these houses? They shouldn't because the street won't be wide enough. You park a car in the driveway. How many of you got more than two cars in your house? I have three, so therefore I'd have to find a place down the road someplace to park my car illegally. I mean, get one in the garage, one in the driveway, and where's the third one going to go? If you've got kids, you know what I mean. Your wife, yourself, everybody wants a car, so there's no parking. I'm also concerned about the traffic coming through Tulip. I've got grandkids. They ride up and down the streets there on their bicycles. They enjoy going down a dead-end street and not have to be worried about being run over by a car. I almost got in an accident this morning because of a

lady, wasn't paying attention, coming down Pembroke, which is a lot larger street. She wasn't watching where she was going; she almost ran into me turning down Tulip. So all I'm saying is we need to keep our streets safe for our kids. Don't develop it - I don't mind developing this property, but let's don't come through Tulip, because eventually you'll kind of come through Hughes Lane, too, and that's where I live at, and that's at the lower end of this development area. We need quality homes, yes. But we need quality homes, not homes that are just thrown together and shot in there like shotgun pellets. Let's reduce the number. Put some quality homes in there. Let's put a loop in there, like Shelton Lane was originally intended to. I've got a neighbor that won't be able to get to a section of his property because he couldn't build a garage there because they told him that it was actually on Shelton Lane. Shelton Lane is no longer there because they're taking it away with this project. If you made a loop around it, sort of like a horseshoe, being the houses could be built in the middle, all houses have a center entryway. Yes, it would cost you a little bit more to build the road. Yes, you're going to have to lose a few homes. You're not going to have 41. You might have to settle for around 30 or 35 homes. But there's still money to be made at 35 homes. Still money to make. I'm not creating no problem for Frank Huff. I know Frank; I've worked with him in the past. But we need people to take responsibility and I hope you all will take responsibility for the citizens of Hampton. Thank you.

Mr. George Payne, Jr. greeted those on the dais and made the following statement: I live right beside the property in question. The first thing I'd like to ask is for all those people that stood up, how many live in my neighborhood. One. And that person owns a business right now on the street, Mill Creek Café, that sees benefit, profit, from this. Since I've been going through this, there's only been two "ayes" in this whole process. One, a guy across the street that says he bought his dream home when Shelton Home was there, and the other one has a bar right next door to it that sees a potential of 82 customers plus coming to her property, which was first a "no" at the meeting. So the people that are sitting here, anybody can stage a show, okay? You're talking about my neighborhood of 47 years. I went out there and watched those older people. I played football out there in that field with those older people. Talked to them. I know this neighborhood. I've been there for 47 years. Now 275 units don't mean they can put apartments up there, that's an M-4, which means medical, which means for people that are going to their dying grave. Our community needs that. Where is that right now? Do we have that in our community? We absolutely do not. And I loved that as a child, to go up there and give those elderly some smiles. My buddy Scott right behind me was one of them playing football with them when we was kids. Doesn't mean we're going to have Section 8, doesn't mean we're going to bring the neighborhood down. There's a property two places down from these \$350,000 that are going to get built that's 4.5 acres. Been there for over six years. I looked at it when it was \$795,000, has a dock and it's on Mill Creek. It's

now going for \$495,000 and still not sold with 4.5 acres. I don't know of a house that's \$350,000 on Mallory Street. I can't afford something like that. Buckroe Beach, perfect example. Those homes are vacant. Development should happen here, but this is not right and I don't appreciate the Planning Committee going behind our back after our meeting and telling us it was a "nay" and on August 2nd said that they're in favor of this after they got with the developer. That's not right for our community.

Ms. Mari Payne greeted those on the dais and made the following statement: I'm glad to address you guys, this is my first time speaking on this issue. I have not lived in this neighborhood as long as my mother-in-law and my husband. I've only been there 17 years, and when my husband and I decided to move back to his neighborhood where he grew up, it was because we had children who have now graced us and blessed us with grandchildren and it was for the purpose of living on a dead-end street so that we could keep them close by and safe and they could have fun without the worry of a lot of traffic and a lot of unnecessary things that you find with big intersections and busy streets. My concerns have been addressed by the people that have come before me, the flooding, the traffic, just the opening of Tulip is a big deal to me, and right now, I would rather take the next two minutes and ask you, Council, what will you do for us residents since this seems since the 2nd of August to have already pretty much been approved? What will you do for us on Tulip Street to help us know what to expect, since you want to expand this road. I don't know if I can ask for you to put the pictures back up on the screen, but my house is right next to Sweeney Lane. The fence line that breaks up my property from Shelton Home the Bay property runs along my driveway, and I just am very much in fear of how the next many days of life will be spent once this starts being developed. How am I going to get out to get my granddaughter to pick her up from school? How am I going to go get my groceries? My driveway is literally right there at the fence. I know that you said, Ms. Curtis and Mr. Hobbs, that you guys have gone and looked at the property and you probably can see how close our homes at the end of Tulip and at the end of Pansy and at the end of Hughes border this property. Why wouldn't you ask the developer to consider just bringing in a shorter cul-de-sac, since there are limitations of having more access and right of way with a longer one? And yes, like Mr. Holtzclaw said, maybe proposing a different planning of putting the houses in a different place and putting a road around them to help with flooding and erosion. There is a better way. I'm not against development. I would much prefer it to be for our elderly and for the people who have served our community for so many years before us, like it had been in the past, but if it has to progress this way, can we please just take a few more days to consider a different scope of what is being put on such a small parcel? The pictures showed low density everywhere, but they want to stick this high density piece of development right in between us and I just don't find that it fits. Not that way. Thank you for hearing me. Have a lovely night.

Ms. Mary Martin greeted those on the dais and made the following statement: I'm also raising a child there. The property that I live on is adjacent to the proposed Shelton the Bay. I am here tonight asking for your support to the proposed 41 single-family homes at 1300 North Mallory Street. I believe that the property should be rezoned from the current 275 multifamily units to zoning for 41 single-family homes. I plan on being in Hampton for many years to come. In the last five years, my business has grown by selling food, not just alcohol. I believe the community that I chose is the reason for that. As you know, small businesses pay taxes on the 20th of each month. Wouldn't it be great to collect a higher tax base on the proposed homes, not to mention the jobs created for the project, the businesses in Phoebus, the businesses in Buckroe, and other surrounding areas thriving, and therefore paying more tax on their sales? I'm afraid if this neighborhood is not rezoned for the 41 single-family homes, that our community will suffer, and aren't we hoping for more people to want to move to Hampton and enjoy all of the proposed projects the City has in store already for our area? Of course, I would love to see a park or a bird sanctuary there, but that won't be the case. I want to choose Hampton, and I also want others to choose Hampton. Please vote yes for the proposed rezoning and thank you for your time.

There being no additional speakers, Vice Mayor Curtis closed the Public Hearing and offered a rebuttal to Mr. Cumming.

Mr. Cumming noted that several comments referred to drainage, and he believes the City Attorney has advised in the past that things of that nature are site plan and development issues, not land use, decision-making issues. Even so, he believes they have addressed how the property will be developed. The retention pond is on the northern side, which is where the lowest part of the property is located. In reference to the access on Tulip Street, he noted that the new street will be larger and newly developed. He stated that the likelihood of anyone from the development using the Tulip Street access to get out of the property is extremely unrealistic.

Councilman Moffett asked Mr. Hayes what a developer would be able to put on the property by right with its current zoning. Mr. Hayes stated that currently on the property is a 275 unit continuous care facility. There are independent living townhouse-type units and a larger nursing home. It was age restricted and over 50% of the residents had to qualify by the Americans with Disabilities Act (ADA) as needing care.

Councilwoman Snead asked how many units were originally proposed. Mr. Hayes stated that the initial proposal had many more units, but there were considerations for the Chesapeake Bay Preservation District. The initial reworked proposal that was



brought for Public Hearing was 49 units. Councilwoman Snead confirmed that the current proposal is for 41 units.

Ms. Bunting clarified that comments were made that Council had previously denied this application. For the record, that is inaccurate. Council had previously deferred this on several occasions, trying to find something that would either comply with the R-4 zoning or the R-9 zoning. There has never been an outright denial of the application. She noted that staff initially recommended denial on this concept because the original builder did not have elevations that complied with the Pattern Book. The R-4 zoning requires that compliance.

Councilman Gray asked for an explanation on the requirement for the second access street. Mr. Hayes stated that if a road is proposed to go over 1000-feet, then a second access point must be created where possible. If there were wetlands on both sides of the property, then it would not be required, but in this case, where there is a grid pattern in an existing neighborhood and it is possible to make a connection, a connection is required. There are several reasons for having such a requirement, to include emergency vehicle access and if something was to happen at the main entrance. Long term, having those connections through a community helps retain the value and sense of community over time. He noted that while some citizens are not pleased with this requirement, staff looks at development from a long-term perspective. He also noted that this access point will be beneficial to the existing neighborhood because the larger utility and trash trucks will no longer have to back out of the street, which would not meet current required standards, but drive through.

Councilwoman Schmidt asked what guarantee the developer could provide that heavy rain activity is not going to cause more water to flow onto their property. Mr. Hayes stated that the site plan requirements include that the property is graded in a way that it retains its stormwater on its site. He noted that at some point, all systems only handle so much water, so there is no guarantee that in every single occurrence water will not flow from one site to the other in either direction. He also noted that tidal flooding already affects both of these sites, and it is actually worse in the existing neighborhood.

Ms. Brown reminded Council that they have several options. They can approve the rezoning tonight, which should reflect that it is the application as amended with the R-4 district; they can refer the application back to the Planning Commission for further consideration and advice; or they can defer it to another City Council meeting to allow more time for information.

Mayor Tuck stated for the record that he is recusing himself because he was

brought into the process early on, and he has a relationship with one of the parties involved. He wanted to avoid any impropriety.

Prior to voting, Councilman Moffett stated that he understands the concerns brought before Council by those who oppose this application. However, the questions he had related to flooding and the by-right uses have been answered. He stated that what can be put on the property by-right would be much worse for the community than what is currently proposed.

Councilwoman Schmidt stated that Council has put a lot of consideration into this matter. What is driving her is what can be done on the property by-right. It would be much worse than what is currently being considered.

The applicant's attorney, Larry Cumming, presented additional proffers. Following that, Bonnie Brown, Senior Assistant City Attorney, provided legal information to the Council and then Mike Hayes, Chief Planner, gave the staff presentation. Mr. Cumming then followed with the applicant's presentation.

A motion was made by Councilmember Snead and seconded by Councilmember Hobbs, that this amended rezoning application to R4 with amended proffers be approved. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett and Councilmember Schmidt

**Recuse:** 1 - Mayor Tuck

11. [17-0255](#) Rezoning Application No. 17-00001: by the City of Hampton at 3101 Nasa Dr, 3105 Commander Shepard Blvd, an unaddressed property on Tidewater Dr, 2972 N Armistead Ave, 2935 N Armistead Ave, 2927 N Armistead Ave, 2921 N Armistead Ave, 2917 N Armistead Ave, and 2909 N Armistead Ave [LRSNs: 13004064, 6000853, 6000759, 6000758, 6000757, 6000756, 6000824, 6000822, 6001304, 6000802, 6000803, 6000804, 6000805 ] to rezone 39.34+ acres from General Commercial (C-3), Langley Flight Approach Mixed Business and Manufacturing (LFA-2), and Light Manufacturing (M-2) District to Langley Flight Approach Manufacturing (LFA-1)

**Attachments:** [Application](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[Staff Report](#)  
[LAFB Letter of Support](#)  
[PC Resolution](#)  
[Presentation](#)

Presented in conjunction with #17-0256 and #17-0257. The Public Hearing was conducted jointly, but the matters required individual votes.

Items #11, 12, and 13 were heard together. A presentation was made by Porter Stevens, City Planner. There were no speakers on the public hearing.

Following the public hearing, a motion was made by Councilmember Schmidt and seconded by Councilmember Gray, that this application be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

12. [17-0256](#) Rezoning Application No. 17-00002: by the City of Hampton at an unaddressed property N Armistead Ave [LRSN 6000831] to rezone 22.03+ acres from Neighborhood Commercial (C-1) with proffers and General Commercial (C-3) with proffers to Langley Flight Approach Mixed Business and Manufacturing (LFA-2)

**Attachments:** [Application](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[Staff Report](#)  
[LAFB Letter of Support](#)  
[PC Resolution](#)  
[Presentation](#)

Presented in conjunction with #17-0255 and #17-0257. The Public Hearing was conducted jointly, but the matters required individual votes.

Items #11, 12, and 13 were heard together. A presentation was

made by Porter Stevens, City Planner. There were no speakers on the public hearing.

Following the public hearing, a motion was made by Vice Mayor Curtis and seconded by Councilmember Gray, that this application be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

13. [17-0257](#) Rezoning Application No. 17-00003: by the City of Hampton at 199 Santa Barbara Dr and an unaddressed property on Diggs Dr [LRSNs: 6000003, 6000005] to rezone 50.1+ acres from Single Family Residential (R-9, R-11) to Parks and Open Space General (PO-1)

**Attachments:** [Application](#)  
[Current Zoning Map](#)  
[Proposed Zoning Map](#)  
[Staff Report](#)  
[LAFB Letter of Support](#)  
[PC Resolution](#)  
[Presentation](#)

Presented in conjunction with #17-0255 and #17-0256. The Public Hearing was conducted jointly, but the matters required individual votes.

Ms. Bunting introduced Mr. Porter Stevens, City Planner, who presented on these items.

Mr. Stevens noted that the red box on the graphics in the presentation delineated the Flight Approach Zone. In the event of an emergency, this is the part of the City that would most likely be impacted by the aircraft coming in or out of Langley Air Force Base (LAFB). It is extremely important, to ensure the safety of the general public and continue safe operations at LAFB, that this area is kept clear of high concentrations of people.

Mr. Stevens noted that the LFA-1 zoning is the strictest of the six Langley Flight Approach districts. It is designed specifically for properties that are either within the Flight Approach Zone or encroach significantly into it. It does not permit any kind of

residential, office, or commercial use, limiting use to a few industrial-type uses.

Mr. Stevens stated that LFA-2 zoning is a mixed business and manufacturing district. It allows a few additional business uses and is designated specifically for properties directly adjacent to the Flight Approach Zone.

Mr. Stevens noted that 17-00003 was different from the other applications in that the property is not being rezoned into a Flight Approach district, as it is not as close to the Flight Approach Zone. However, looking collectively at City-owned properties near the base, staff felt that having a large parcel of undeveloped property zoned for single-family residential was not appropriate.

Mayor Tuck opened the Public Hearing. As there were no speakers, Mayor Tuck closed the Public Hearing.

Items #11, 12, and 13 were heard together. A presentation was made by Porter Stevens, City Planner. There were no speakers on the public hearing.

Following the public hearing, a motion was made by Vice Mayor Curtis and seconded by Councilmember Snead that this application be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

## Use Permits

14. [17-0258](#) Use Permit Application No. 17-00007: by the First United Church of Christ at 1017 Todds Ln [LRSN: 4000574] to permit the operation of a Commercial Day Care

Attachments: [Application](#)  
[Narrative Statement](#)  
[Amended Conditions REDLINE](#)  
[Amended Conditions CLEAN](#)  
[Circulation/Parking](#)  
[Floorplan](#)  
[Staff Report](#)  
[PC Resolution](#)  
[Presentation](#)

Ms. Bunting introduced Mr. Stevens, who presented on this item.

Mr. Stevens noted that, at the Planning Commission hearing, the applicant requested a change in operating hours from 6:00 a.m. to 5:30 a.m.

Councilman Gray asked the applicant, Mr. Chris Henderson, Chair of the trustees of the First United Church of Christ, if the church would be running the daycare or if it would be contracted out. Mr. Henderson stated that the intention is to enter into a lease agreement with an operator of a daycare facility. The operator has been selected, and they are familiar with the guidelines established by the church. He noted that the church operated its own daycare facility approximately 35 years ago, with a capacity for 100 children. There is ample space in the building to accommodate more than 50. He noted that there were 30 applicants interested in the facility, as there were two very large daycare facilities that closed, both of which had an enrollment of over 100. There is a critical need for daycare space within the area. He noted that the church would be appreciative if Council considered expanding the capacity limitations.

Mayor Tuck opened the Public Hearing. As there were no speakers, Mayor Tuck closed the Public Hearing.

Presented by Porter Stevens, City Planner. The applicant, Chris Henderson, spoke briefly. There were no speakers on the public hearing.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Hobbs, that this Use Permit be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

## Ordinances

17. [17-0259](#) Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article 7 Entitled, "Phoebus Districts" Pertaining to Requirements for Screening and Location of Accessory Structures and Equipment

Attachments: [Red Line](#)  
[PC Resolution](#)  
[Presentation](#)

Ms. Bunting introduced Mr. Stevens, who presented on this item.

Mr. Stevens noted that this zoning is in the area of Phoebus that is generally known as the historic-commercial corridor or Main Street of Phoebus. It was created in 2015 as a way to regulate development and ensure that any new buildings constructed generally conformed with and enhanced the overall historical character of this area.

Mayor Tuck opened the Public Hearing. As there were no speakers, Mayor Tuck closed the Public Hearing.

Presented by Porter Stevens, City Planner. There were no speakers during the public hearing.

Following the public hearing, a motion was made by Vice Mayor Curtis seconded by Councilmember Hobbs, that this Zoning Ordinance - Text (17-00002) be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

## Resolutions

18. [17-0202](#) Resolution Authorizing the City Manager to Grant a Perpetual Restrictive Use Easement to the United States of America Over the Entirety of a Parcel of Real Property Located Near Langley Air Force Base (LAFB) Containing 23.96± Acres and Designated 2941 N. Armistead Avenue (LRSN 6000794) Adjacent to Langley Air Force Base (LAFB) as Part of the Department of Defense's

(DoD) Readiness and Environmental Protection Integration  
(REPI) Program in Order to Limit Incompatible Encroachment  
Near LAFB

**Attachments:** [Perpetual Restrictive Use Easement - EXECUTION VERSION](#)

Ms. Bunting stated that this is part of the City's ongoing effort to clean up property around LAFB that has incompatible uses, in order to (Base Realignment and Closure) BRAC-proof LAFB. This has been deferred on two occasions while the City waited for final Air Force approval.

Since this was initially advertised, the City acquired 2941 North Armstead Avenue as part of the cooperative agreement process. If the resolution is approved, the City will grant the easement over the property to the United States of America, acting by and through the Secretary of the Air Force, and will be reimbursed by the Federal government for approximately one-half of the purchase price the City paid for the property. The easement allows the Air Force to limit any development or use of the property which would be incompatible with the mission of LAFB while the City retains ownership of the property. If LAFB should ever close, the easement would automatically terminate. Staff recommends approval.

Mayor Tuck opened the Public Hearing.

Mr. John Seidnitzer greeted those on the dais and made the following statement: Born and raised in Hampton, Virginia. I have two pieces of land on Tarrant Road, I don't know if you all are familiar with Tarrant Road. Well, you all, two years ago I think there was an article in the paper about them obtaining the land, you know, around the base. So I had it sold, but I wasn't able to sell it because the people that were interested had read the article in the paper. So now, what's happening, I'm ending up with a dump hole in there. I've got clear land and they're dumping on it. I'm concerned what's going to happen in that area with the development or whatever what's happening. There's another article in the paper, I think, Monday, I think, and it said something else about the area, you know, Langley Air Force Base. So I'm just concerned what was going to go on. I went down to the City and talked with the gentleman, I think it was last year. He said I was in a zone three, so I don't know what that means. Then I was just trying to find out what was going on, and I need an answer because the way the land is, I can't do nothing with it but pay taxes. Do you all have any outcome on it? What's happening with it? Or what.

Ms. Bunting stated that there are several different layers of protection. She asked Mr. Terry O'Neill, Community Development Director, to discuss Mr. Seidnitzer's specific property with him. The City is focusing on acquisitions in the crash zone, because that is the most immediate concern.



Mayor Tuck asked for clarification on the dumping issue. Mr. Seidnitzer stated that people that own land in the area take down his chain and dump on his land.

There being no additional speakers, Mayor Tuck closed the Public Hearing.

Following the public hearing, a motion was made by Vice Mayor Curtis and seconded by Councilmember Gray that this Resolution be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

## **PUBLIC COMMENT**

Ms. Glass read the protocol for Public Comment.

Mayor Tuck stated that citizens have been required to publicly state their address, but it was recently brought to his attention that this could provide an opportunity for vandalism of empty residences. As such, citizens will only be required to state their name.

Ms. Kathy Dermanis, President of the Buckroe Improvement League, greeted those on the dais and made the following statement: At the last general meeting of the Buckroe Improvement League, which was held on Tuesday, July 25th, the proposed amendment to the leash law for the City of Hampton was thoroughly discussed and put to the vote. The members agreed that the City should, in fact, have a strict leash law and should incorporate the verbiage that all dogs, when not on the owner's or custodian's property, shall be controlled by a leash, rope, or chain attached to a pet collar or harness, or contained within a pet carrier, crate, or enclosed pet stroller. The only exception where a dog shall be off a leash, other than on the custodian or owner's property, shall be in the enclosed areas officially designated as Bark Parks by the City of Hampton. Our membership consists of 80% dog owners and we did not make this decision to support this leash law lightly, and it was thoroughly discussed. We believe that this is for the safety of our citizens as well as the peace of mind of our citizens. Thank you for your time.

Mr. Kevin Purnell greeted those on the dais and made the following statement: Thank you to Corporal (Herbert) Gallishaw (HPD) for coming out tonight. I represent the Chesapeake Bay Reggae Fest and thank you for exchanging emails with me the last couple weeks, Mr. Tuck. Basically, I'm here today to plead with City Council to reconsider helping the Reggae Fest out. After seven years, our City expenses have

gone pretty much through the roof. While we are glad to pay our dues, at the same time, it's just tough. I mean, we started out as a community event with 5,000 people the first year, completely free for four years. That was our intent, to unify people of all races, bring people together, bring a quality event to the City of Hampton. We had no intentions of profiting off the event. We still don't. We want to keep growing the event with the City of Hampton. We focus on the City of Hampton, Chesapeake Bay. We're locals. I grew up in Hampton my whole life. Like I told Mayor Tuck, my great, great grandfather put Jefferson Davis in shackles at Fort Monroe. My great grandfather was the first fire chief of the City of Hampton. The guy from the boat races, Terry Fuller, he races in the boats, you know, a local through and through. Last year at Buckroe, our police bill was \$3,000 and now it's \$13,000. Yes, it's gone to two days. I think we had 20,000 people show up at Buckroe at the last event. I went and met with the Mayor, I was like "look, this is going to be a lot of people this year." I tried to plead with him to give us more parking, and actually, they put signs up the day of or the day before, like, no parking in some of the areas. It was a disaster. I mean, it could have not been a disaster if we got together and just talked about it and tried to figure out how to make it work. But it was for the best, I believe, because we went to Downtown Hampton, and, you know, like, what I decided to do to move to Downtown Hampton is expand it to two days for the reason, like, it would make it so people could come on different days and it wouldn't be so much people. We've had roughly around 8,000 people the last three years. The last two years the weather, you know, has been a little iffy. If we had 4,000 or 5,000 more people, I wouldn't be here today, but the last two years, I mean, last year our police bill was \$18,000 for two events. He's (Corporal Gallishaw) valuable to us, he's out there on the phone, like, seeing when the weather's bad. Like, a storm was coming one time, he said "you got to get everybody out of here." He's awesome, he's part of our team and I respect him to the fullest, and I want him out there, and I'd like for you guys to come out there. I don't know if any of you have ever even been out there before. Has anybody from the Council been out to the Reggae Fest? Great. Just looking for a little support, maybe. We're not looking for a handout. We're not even looking to put the money in our pocket, we're just trying to keep it going. I've gotten our tax returns the last two years, I'll gladly show it. I've got all the ticket stubs, I mean, it's a unique event. It brings people from all races together, like, in harmony. And he can tell you, the people there are peaceful. Like, the Buckroe thing last year was not our fault. It was a huge beach crowd on the boardwalk. People in the fest were having a great time. It was nothing to do with us. They should have cleared those people out. It was right around dark and the people at the fest would've still been, you know, having a great time. I just got back from California. That's where I got the idea to do this Reggae Fest. I went to Reggae on the River, it's in its 33rd year. I went in 1997. I just got back last night, so I'm sorry I didn't cut my hair and shave my beard to look a little better for you guys. That event's grown tremendously. I didn't see one argument in there, and no disrespect to the police, there wasn't even a police officer

there. I mean, there was one out there directing traffic in the street. But I want the police there, I mean, it's good for the police, because the people there like them there. They're smiling, they're in a good mood. Everybody's happy. I think it's even a good look for the police. Like, we respect them to the highest and we want them out there, but we just, unfortunately, the bills have gotten so high. I'm like, we don't want to charge more money, I mean, we don't think that's the solution. Other fests that are in the City, why should they be forced to charge money? You guys are offering, like, \$40,000 for, like, new festivals to come to the City. We're just here just trying to survive, like, locals, probably some of your neighbors. We just don't know what to do. I'm just hoping you guys can reconsider it. We're not asking for much, just maybe to sit down and meet with us so we can try to come up with a solution. I mean, we're, like, I told the Mayor, we're recognized as one of the premier reggae fests in the United States. Look at Wikipedia, and you know, just please help if you can. If not, I mean, I don't know what to do. Like I said, I love Hampton, I love the Chesapeake Bay. I promote - if you look at some of our flyers, look at them, how much I promote the Bay, how much I promote Hampton and this place. Like, I had my neighbor, like, randomly move. He said, "I moved here because of the Reggae Fest. That's one of the reasons I moved here." It makes the City a better place, it's cultural. It's the new generation. I mean, that's all I'm saying, just please help us if you can. If not, I mean, I still respect you guys. I think you're doing a tremendous job regardless of, you know like, my differences in trying to get this going - keep it going you know. Thanks for your time.

Mayor Tuck stated that it was somewhat challenging to hear and understand everything Mr. Purnell said, and it seemed to be that he was saying "last year at Buckroe," when it has actually been three years since the Reggae Fest was at Buckroe. He stated that Council empathizes with Mr. Purnell and the City is trying to look at ways to make it work, but right now staff has to be creative in some of their solutions. The City values the festival, and it has to consider the economic impact. The City is not in a position to defer the cost, but is looking at other ways to help.

Mr. Chuck Jackson greeted those on the dais and made the following statement: I'm a professional dog trainer and also a certified temperament evaluator, as well as an aggression specialist, as well as a canine behavior specialist. I'm here to really appeal to you to enact a leash law in Hampton. I've dealt with close to 10,000 dogs over my career of working with dogs, working with animals, and there are quite a few good dogs around, but there are a lot of dogs with problems. Your problem dogs, for the most part, the issue is not the dog, the issue is the owner. Because the way you interact with the dog actually determines the dog's behavior. There are some irresponsible owners that don't work to take the time to get that dog under control. Of all the dogs I've dealt with, I've never done anything off-leash. I've dealt with everything from four-pound Chihuahuas to 250-pound Mastiffs, just about every

breed you can think of. I've dealt with dogs that have had minor problems like separation anxiety and I've dealt with a lot of dogs that have wanted to, and tried to, kill me. Without the leash, I wouldn't be here today. I never do anything off-leash, and that's both outside the home and inside the home. There are a lot of different things that I do to educate people and to get the dogs' behavior under control and everything, inside the home and outside the home. I even recommend and I use the leash inside the home for problems there, also, because you have to be in control; you have to teach the dog that you're the alpha in order for the dog to become submissive. If you don't do it that way, you might be successful, it might take a long time, but it also gives the dog the opportunity to elevate itself to alpha status. Once that happens, that's when you have major problems. Even if you take that dog out on a leash, once the dog becomes excited, once a dog becomes focused on something that it really wants to get to, you don't exist. It doesn't even hear you, okay? And there are some people who have the potential, that have already - I've dealt with them - that have been dragged down the street just because that dog wanted to get to something. It's a liability to the owner, it's a danger to the dog, and it's also a danger to any potential victims. So, you need to establish a leash law, at least as the first step to getting your dog under control. It's not going to happen without that. The problem is, dogs are unpredictable. You may think you have a dog that's just a perfectly sweet dog, but you don't know what the trigger is to get that dog to go after someone and in that situation, since it is unpredictable, you have no way to control it if it's not on a leash. I could go on about this for the next five or six hours because animals are my passion, but I respect the three minute time limit.

Mr. Scott Sorrell greeted those on the dais and made the following statement: I come from a family of lifelong Hampton residents. My great grandfather was actually the Chief of Police for a few years, and Kevin's was the Fire Chief, so we've known each other our entire lives. I'm here today to express my concern that I've been informed we may be on the verge of losing a great event that the City of Hampton has graciously allowed to take place for the past seven years, and that is the Chesapeake Bay Reggae Fest. I doubt many of you are as big of fans of reggae music as I am, but that's not the point. I would, however, assume that you are all huge fans of the message that it brings: peace, love, and tolerance for all people. There's a sign posted at the entrance gate of every event that I always take notice of, and it makes me smile. The sign states that "All sizes, all colors, all ages, all cultures, all sexes, all religions, all people are safe to come into here." As me and my family and friends have watched this event grow from a few hundred locals to many thousands of people from all over the country, it had been a very warm sense of pride. I've met people from California, New York, and as far away as the Caribbean. Most of these people came to Hampton for the sole purpose of seeing this event. I hope that the City can fully understand the impact that this event has on the community. Pretty much the day it ends, people are already asking what bands

are playing next year and do you have the dates. Please try to help us figure out a way to cut the cost for the police presence there. It may very well be one day something that the City of Hampton is known for. Thank you.

Ms. Barb Abraham greeted those on the dais and made the following statement: I'm a 20-year resident of Hampton and I have a Master's Degree in animal behavior. I'd like to agree with the people who have spoken before me on the leash law that dogs, when they're off their owner's property and not in a dog park, should be on a leash. My formal training taught me that all animals have instincts and dogs are predators and predators, one of their instincts is to attack. And I don't care what kind of breed it is. Some breeds have a worse rep than others, I agree that it's usually the owner, not the dog. I want to give you my personal - the evidence was my personal experience. Some years ago when I lived in Berlin, in American military housing, there was a young military couple that lived across the hall from me, and they asked me to dog sit for them while they went away for a few days. Their dog had a verbal leash. It was a German Shepherd, it was a lovely dog, it was well-trained. It sat when I told it to sit at the corners to walk across the street. It heeled perfectly, until a little old German lady with her little tiny dog on a leash came around the corner. And before I could even say anything to the dog, as somebody else said, that dog just went after that little dog, mauled it terribly. I ended up having a big veterinary bill. When it happened, it happened so fast, I didn't even think about being in danger from the dog. I went and I pulled that German Shepherd off that little dog, but in that second before I did that, it had inflicted a lot of damage. So I'd just like to reiterate that it was a good dog, it was well-trained. It was not a dog that would ever have attacked me. It didn't attack me when it was in the heat of the moment. But still, because it wasn't on the leash, and that may have been my fault, but they said "verbal leash," that little dog - it survived, but it was a big vet bill. Thank you.

Ms. Betty Bates greeted those on the dais and made the following statement: I'm here to strongly support the proposed amendment for the leash law. First I'd like to commend the City of Hampton, and particularly Parks & Rec, for all of the options that they provide for pet owners. We have a wealth of things and places for owners to go with their pets. Even from Bluebird Gap Farm, where pets are not allowed, to Buckroe Beach and Grandview, where there are seasonal options, and then in the Bark Parks where animals can run off-leash and play. So I think that's a really valuable service that the City of Hampton provides for pet owners. I would also like to say, however, that I think that voice control is not an appropriate control mechanism for pets. The proposed amendment addresses what I feel is a gap in pet control in the City of Hampton, and that being the control of pets on public streets, sidewalks, and other types of public areas. Dogs that are on the street are under voice control, some are on a leash, but there's no specific regulation that addresses the control of animals on public streets and sidewalks. In fact, citizens tell us frequently that they

have had some very bad experiences when walking down the street, and a pet comes - or, an animal, they don't know whether it's a pet or not - when it comes at them and there's no leash and they don't know the owner, they don't know the dog, they don't know what's going to happen. As a result, there's a great deal of concern and fear that many of our citizens in Hampton feel in this situation. It's impossible to tell in that situation whether the owner can control the animal, and you don't want to find out the hard way. My feeling is that we need to approve this leash law so that our streets and sidewalks and other public places, other than our Parks & Rec places that already have regulations, are covered, too. I just feel that that's a missing link in our pet control and we need to look at what neighboring cities have done. In fact, all of the neighboring cities around here do have leash control on public property. Thank you.

Ms. Sara Fawcett greeted those on the dais and made the following statement: If I had known I was going to be speaking tonight, I would've dressed a little nicer, so my apology. I live in Buckroe. I am a Hampton native, born and raised, left for 10 years, went to Colorado and everyone said "Why would you leave the mountains of Colorado to come back here?" The answer is, this is my home. I've had dogs for years. When I was in Colorado, I did dog rescue. I am not a dog behaviorist by any means, I simply am passionate about them because I could not have children. So my children are fur-children. I've learned a great deal about dog behavior while in rescue. I want to say that I don't know all the ins and outs of this proposal and I'll preface what I'm saying by saying that, but I do see an immediate concern as a dog owner for me. I would like to see a leash law, of course, on public streets, and I am in support of that for many reasons. As a dog rehabilitator, at times I've had big dogs that I was rehabilitating, and as much as I wish we could all have our dogs run free, I've been in a situation where I have a dog that I am rehabilitating and someone else whose dog is not a leash, that is a very friendly dog, but doesn't know that I'm rehabilitating, and now that dog becomes endangered, but I have control over my dog. That's an unfortunate situation that can happen. I think the only thing that I do feel very passionately about, the one right that I would like to see protected is, as a resident of Buckroe, I would like to have the ability to take my dogs to the beach - and maybe we're not talking about that right being taken away - I don't agree that all dogs have a prey drive. All dogs do not have a prey drive. I have a very powerful little dog who's afraid of her own shadow and it means a lot to me to come down to the beach in the offseason when no one is around and to be able to take my dog off of leash and let her run free, maybe for five minutes. Out of respect for other people's fear of dogs, if I see someone approaching, I always re-leash my dog before they approach. Now, I know this speaks to having to trust that all dog owners will be intelligent dog owners. We know that they're not. It comes to judgement, but I do hope that that right will be sustained, at least in the offseason on the beach of Buckroe that those of us dog owners who do take care of our dogs and do not have

aggressive dogs would be able to have the freedom to let them off leash for a few minutes at a time without worrying that we're going to get a ticket. Thank you.

Ms. Judie Paranuk greeted those on the dais and made the following statement: I was going to say one thing, and something happened three nights ago that drastically impacted what I'm about to tell you. I had visited a friend off of Harris Creek Road. The house is way back, way back off - it's half a mile off the main road - and we went for a walk. When we were coming back, the yards in these houses are very deep. There were two dogs out there. We heard them barking. When we first started approaching back to her house, we didn't pay that much attention to it, but the people that owned the dogs were screaming for the dogs, who were voice command dogs, to stop. They were coming toward us. They stopped, they started forward again three times. My girlfriend was terrified so badly that she was ready to crawl up my back. The man that owned the dogs literally drove out of his driveway in between us and the dogs to keep the dogs from getting to us. He followed us all the way back to her house. Please enact a leash law. There is no voice control, I don't care what anybody says; a dog is unpredictable. Thank you.

Mr. James Thornton greeted those on the dais. There was some confusion about making comments regarding the proposed leash law. Mayor Tuck clarified for Mr. Thornton that this was the only time available on the agenda to speak about this matter. Mr. Thornton made the following statement: I am chairman of the Animal Control Advisory Committee. I really - I sent a detailed email earlier this week to Council. I don't have anything more to say. I thought my email articulated the position and the rationale of the Animal Control Advisory Committee, so I don't have any comments unless the Council - I'm offering myself for any questions, that's it.

Ms. Melanie Paul greeted those on the dais and made the following statement: I have lived in Hampton since 1979 and I have three dogs. You know me very well. I don't want to rehash what I said in my email this morning about why I support the leash law. The primary reason is the safety of all citizens, without the fear of threat from dogs that are off-leash. Isn't that why laws are enacted? Dogs, even the best trained dogs, even my own dogs, can be unpredictable. Dogs respond to stimuli and inherited breeding factors. There is no training that you can train out of a dog that will take out any of those factors. A handful of staff here have advised you a percentage of people don't want to have the leash law. But 76% of the population would like to have a firm and stronger leash law. This is for the senior citizens, the children, and other individuals who want walk their dogs without fear. I used to walk my dogs in Buckroe Beach with leashes, offseason. I'm afraid to take that risk. I'm a senior citizen now, as some of you are. Some of you will get there some day. But I love walking my dogs, but I'm afraid to. A full leash law will hurt no one. It will only make it inconvenient for that small percentage of the population who are too lazy to

teach their dogs how to walk properly next to them on their leash. They want the easy way out. I'm encouraging you to please support the full leash law when all the other communities around us have that. Hampton is the only one that's the holdout. Why? Why are you holding out on this important issue? Thank you for allowing me to speak this evening.

Mr. Dave Hites greeted those on the dais and made the following statement: I'd like to first thank the City Council for your time and consideration for my appointment to the Peninsula ASAP (Alcohol Safety Action Program) advisory board. Last month at the City Council meeting, I became aware of a vacancy on the Peninsula ASAP advisory board. I stated at the meeting that I wish to be a voice for the citizens of Hampton. I want to ensure that Peninsula ASAP adheres to the core values of the program, most importantly the core value of transparency. Information should flow freely between case workers and ASAP clients. If there's an occasion where a client is deemed to be in violation of the program, the client should be informed by the case worker within the required ten days of the violation and the result of the violation, whether going back to court or restarting their six months all over again. If the client chooses to dispute the violation, they should be told the proper procedure to do so, including whom to contact and the timeframe in which they must lodge a complaint. Currently, I do not believe any effort is being made by Peninsula ASAP employees to follow the policies and procedures in their manuals, or that they are even fully aware of the requirements contained therein. As a member of the advisory board, I will ask that an offender bill of rights be established. The first right is to be treated with dignity and respect. The offenders are there for treatment, not punishment. The second right is to inform offenders about the ASAP chain of command, from their case worker to the VASAP commission director. If clients encounter problems that cannot be resolved with their caseworker, they should be directed to the next person in their chain. The bill of rights is still a work in progress and I would love the opportunity to discuss ideas other members of the board might have to improve the program to keep drunk drivers off the road while still protecting the right granted in the Constitution to be innocent until proven guilty. I'm sure you're curious, or at least I hope so, who is this guy and why does he want this appointment? Well, I'm glad you asked. I'm a 20-year Navy veteran who's decided to put down roots in Hampton. This is where I was first stationed and where I met my wife of 18 years. I enlisted in the Navy as a journalist and through no fault of my own because a mass communications specialist due to a rate merger. The merger combined journalists with photographers' mates, lithographers, and draftsmen. I think the merger was a very good idea in that a broader knowledge base could now be imparted to all the new students and they will end up with more diversified skills. The Navy is big on process improvement, as I'm sure you're aware, to streamline costs and improve timeliness and accuracy. I believe that same process improvement should be applied here. I was the Navy Community Service Program



Manager for three years. During that time, I published a quarterly 32-page magazine, conducted a worldwide community service award program, established and maintained an annual budget, and coordinated an annual training conference for a dozen councilmembers, and conducted regional community service program coordinator training. My public affairs experience and ability to work with a team will benefit the board, and I can take direction as well as I can give it. I want Peninsula ASAP to be the model, not only for the State, but the country, on how to properly run this program at the local level. Mayor Tuck, City Councilmembers, guests, I thank you again for your time and consideration.

Mr. Marvin Wilson greeted those on the dais and made the following statement: I'll be brief because most of what I'm going to say has already been said, and this is in reference to the leash law. I'd like to share my experiences with this issue in Hampton. I've lived on Buckroe Beach for 16 years, and while most dog owners will have their dogs on a leash, there are those that will not, and their dogs typically do not respond to voice commands. I've had dogs charge me barking and the owner will say "he won't bother you." We have a friend in Colorado who had a neighbor with a pet who often would say the same thing. One day, that dog, they argued "he won't bother you," attacked their daughter, resulting in 67 stitches in her face. These dog owners are often irrational about the fact that these are animals and as such you cannot predict how they will respond in different situations. Will the City take responsibility for any dog attacks? What about the children in these parks? My grandchildren are very afraid of dogs. Do I have to keep them from the parks because people will be allowed to bring their dogs and not have them restrained? I believe the City is more responsible than this, and I appreciate your efforts to listen, but you have a responsibility to protect the people. I now walk the beach with a large stick because of this issue. I should not have to do that in public places. The City should not just have a leash law, but it needs to enforce it. Best regards, Marvin Wilson.

As there were no additional speakers, Mayor Tuck closed Public Comment.

## GENERAL ITEMS

### Ordinances

19. [17-0265](#) Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-2 Pertaining to the Definition of "At Large"

**Attachments:** [Chapter 5](#)  
[Chapter 5 redline](#)  
[Final at large definition Council approved - red line](#)

Ms. Bunting introduced Assistant City Manager Steve Bond who gave a brief review of the recommendations of the Animal Control Advisory Committee (ACAC). He noted that while the data does not present that the City has a problem with voice command dogs, for a number of different reasons, a majority of Council has decided to consider a strict leash law. The language up for approval was carefully considered by the ACAC, and it is their recommendation to enact a strict leash law by defining what is "at large" for dogs. It will require that dogs be on a leash or other physical control while on City streets or other public places with very limited exceptions.

A motion was made by Councilmember Gray and seconded by Councilmember Hobbs, that this ordinance be approved as submitted with the recommendation of the Animal Control Advisory Committee as follows:

At large shall mean roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate, or enclosed pet stroller. A dog shall not be considered at large if it is on a bona fide hunt in the city in the company of the hunter or is off leash in an officially designated Bark Park.

The motion was not voted upon due to a substitute motion.

A motion was made by Councilmember Schmidt and seconded by Councilmember Snead to amend this ordinance to read as follows:

At large shall mean roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate or enclosed pet stroller. A dog shall not be considered at large if it is on a bona fide hunt in the city in the company of the hunter; is off leash in an officially designated Bark Park; or is off leash in a space within a public park defined as an off-leash dog area by the director of parks, recreation, and leisure services and identified by signage as available for off-leash dog activity.

This motion was not voted upon due to another substitute motion.

Ms. Melochick stated for the record that this amendment would expand the second sentence of the proposed ordinance amendment to include the unleashed parks areas. The original codified recommendation stopped at Bark Park.

Mayor Tuck asked what “on a hunt” meant. Mr. Bond stated that this had been discussed and researched in the ACAC and they are not sure what a “bona fide hunt” is. He noted that it could refer to the times when certain animal populations expand to become a threat to the community. At that time, the City may hire a contractor to perform a hunt. He stated that discharging a firearm is not allowed within the City limits. Ms. Bunting stated that she believes it mirrors State Code language, which is probably another reason it is included.

Ms. Bunting noted that dog park means something very specific. After consultation with Mr. Kevin Myers, Director of Parks, Recreation and Leisure Services (PRLS), there are opportunities that cities undertake in larger parks to create off-leash areas. These typically have some constraints, such as landscaping or other fencing, but they do not meet the technical definition of a dog park. Since they mean different things, several Councilmembers were willing to extend a broader consideration where PRLS believes it can safely create an off-leash area.

Councilwoman Schmidt stated that there are apartment dwellers, who don’t have an open area where they can play with their dogs and don’t necessarily want to go to a designated dog park for various reasons. These designated areas would provide that opportunity.

Vice Mayor Curtis stated that she believes this is a considerably different proposition than what the public believes Council is going to decide tonight. At this moment, even though right now the status of the law is that an animal must be under control - it can be by voice command or on a leash - in our City parks, leashes are required. This would be a deviation from that policy to designate a specific area within the park where leashes were not required. She stated that she is uncomfortable because there has been a lot of feedback from the public, both pro and con, on this issue, and she is concerned that the nature of the conversation is being changed with this amendment proposal. The public has not been given an opportunity to weigh in on this proposition. She made a motion to defer this item.

Ms. Bunting clarified that this was not to allow broad use in a park. This would be for defined, distinct areas away from the general population. She stated that different size parks have different accommodations and this allows PRLS to create spaces

that might allow other opportunities.

Councilman Moffett noted that he is struggling now. He heard compelling remarks this evening, and he believes the proposed amendment is a change. He believes giving the public an opportunity to weigh in is the right thing to do, and he does not want people to feel Council did a bait and switch at the last minute. He also needs more time to process the proposed change.

Ms. Melochick stated that discussion should be concentrated on the motion to defer.

Ms. Bunting stated that she just received an alert from the Chief of Police that he is concerned that there is not an exception for police dogs in the proposal, which could provide another reason for deferral. The City wants to make sure that police have the authority to use their K-9s off-leash if they need to in the operation of police activities. She stated that there may be a reference elsewhere in the City Code, but staff needs to make sure it is not harming the police.

Mayor Tuck asked Mr. Myers how many parks PRLS plans to consider for an off-leash area. There are approximately 20-plus parks and/or public spaces. Mr. Myers stated that there is only one possible location at this time: Gosnold Hope Park. There is a secluded area that is easy to get to, but is also away from the general public.

Mayor Tuck stated that since it is only one place, he believes Council can make this decision without deferring it.

Councilman Moffett noted the Chief of Police's concern needed to be addressed. Mayor Tuck stated that this could be covered under the "hunt" portion of the ordinance. He believes the public would accept that as reasonable. When they are out in public with their handler, they are on a leash.

Mr. Bond stated that while he is not employed as a lawyer for the City, he would be hesitant not to add an amendment about law enforcement, especially as they do tend to take their dogs off-leash when pursuing someone. He would not want to put law enforcement in a position where they are breaking the law.

Ms. Melochick stated that the City Attorney's Office cannot confirm if police dogs would be covered under the "hunt" portion of the ordinance tonight.

Councilwoman Snead stated that the public safety portion should have been worked out prior to it being brought to Council. She has a hard time deferring this item again. Mr. Bond stated that he takes responsibility for that, as he did not consider

police dogs when discussing this in the ACAC. The Chief of Police is not part of the committee. He stated that if Council does not wish to defer it, an amendment can be made to include language that would cover law enforcement.

A substitute motion was made by Vice Mayor Curtis and seconded by Councilmember Moffett, that this ordinance be deferred. The motion failed by the following vote:

**Aye:** 2 - Vice Mayor Curtis and Councilmember Moffett

**Nay:** 5 - Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

A motion was made by Councilmember Schmidt and seconded by Councilmember Gray to amend this ordinance to read as follows:

At large shall mean roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate or enclosed pet stroller. A dog shall not be considered at large if it is on a bona fide hunt in the city in the company of the hunter; is under training by law enforcement; is off leash in an officially designated Bark Park; or is off leash in a space within a public park defined as an off-leash dog area by the director of parks, recreation, and leisure services and identified by signage as available for off-leash dog activity.

During discussion on this motion, another substitute motion was offered.

Vice Mayor Curtis stated that she does not believe the language proposed by Councilwoman Schmidt adequately covers law enforcement.

Councilman Gray asked if Ms. Melochick could draft something that would be adequate. Ms. Bunting indicated that she is currently working on that.

Mayor Tuck stated that if there is only one place that can accommodate an off-leash area, a person who lives in an apartment that is not close to the location would feel the same level of restriction they currently feel. He is not sure if this is something that should still be considered. He stated that adding language about dogs on the

hunt accompanied by their owner or by public safety employees might be a more appropriate amendment.

Ms. Bunting provided the option of voting on the current proposed amendment, then making a separate amendment all together about law enforcement activity.

Ms. Melochick clarified that what is being voted on at this point is the amended motion, which does include the modified definition of at-large, which encompasses the Bark Park and unleashed areas in public parks, and also adds a paragraph with respect to law enforcement.

A substitute motion made by Councilmember Schmidt and seconded by Councilmember Gray, that this ordinance be approved with language as follows:

At large shall mean roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate or enclosed pet stroller. A dog shall not be considered at large if it is on a bona fide hunt in the city in the company of the hunter; is off leash in an officially designated Bark Park; or is off leash in a space within a public park defined as an off-leash dog area by the director of parks, recreation, and leisure services and identified by signage as available for off-leash dog activity. At large shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; or during formally sanctioned field trials or field dog training.

The motion carried by the following vote:

**Aye:** 5 - Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

**Nay:** 2 - Vice Mayor Curtis and Councilmember Moffett

## Appointments

20. [17-0131](#) Consideration of an appointment to the Virginia Alcohol Safety Action Program (VASAP) Advisory Board

Ms. Glass read the motion for the appointment of David Hites to the VASAP.

A motion was made by Vice Mayor Curtis that David Hites be appointed to a first term until June 30, 2020. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

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

There were no reports.

**MISCELLANEOUS NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

The meeting adjourned at 9:42 p.m.

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Donnie R. Tuck  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_