



# City of Hampton

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

## Council Approved Minutes - Final City Council Legislative Session

*Mayor Donnie R. Tuck*

*Vice Mayor Jimmy Gray*

*Councilmember Eleanor Weston Brown*

*Councilmember Steven L. Brown*

*Councilmember Linda D. Curtis*

*Councilmember W.H. "Billy" Hobbs*

*Councilmember Chris Snead*

*STAFF: Mary Bunting, City Manager*

*Cheran Cordell Ivery, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, June 10, 2020

6:30 PM

Council Chambers

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. with all members of the City Council physically present yet practicing social distancing. Additionally seating in Council Chambers was arranged to allow 6' social distancing and adherence to the Governor's order to not exceed a gathering of more than 50 people.

**Present:** 7 - Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Linda D. Curtis, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilwoman Eleanor Weston Brown

Councilwoman Brown gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck made the following statement: Earlier this afternoon Council had a detailed conversation about the history of the Sunset Boat Ramp and Bluewater Yacht conversations. Council acknowledged that the Fort Monroe ramp location, which was originally contemplated as an alternative location, was not acceptable to the public. Staff recommended and Council concurred with the creation of a Boating

Advisory Committee which would work with staff and Council to review other possible alternative sites. Accordingly, it is our intention to postpone the conveyance item on tonight's agenda when we get to that item. Anyone wishing to speak will be allowed to do so, but recognizing that people may not wish to wait given our plans, we wanted to make this announcement.

The Mayor also announced that agenda item #8 20-0150 concerning the bed and breakfast was withdrawn by the applicant and will not be heard tonight.

**20-0185 Resolution in Recognition of Councilwoman Linda D. Curtis**

Mayor Tuck made the following introductory remarks: Tonight I have the honor of adding an item to tonight's agenda recognizing Councilwoman Linda Curtis for her distinguished service to our citizens as a member of the Hampton City Council. As I understand it, most of Councilwoman Curtis' family is here with us tonight along with her grandson, Will, who is actually passing on his virtual graduation to be here tonight. William Henry Klotz is graduating tonight from Kecoughtan High School. Linda is joined tonight by her husband, Scott Curtis, and other family members.

Mayor Tuck read and presented a resolution to Councilwoman Linda Curtis on the occasion of her last meeting as she retires from Council service.

Councilwoman Curtis was photographed with some of the members of Council and her family.

Councilwoman Curtis thanked her family for their support over the years, the members of Council for being a great group to work with, and staff for their hard work, particularly in recent months during the COVID-19 pandemic. She also expressed appreciation to the citizens who elected her and thanked everyone for the opportunity to serve the City for nearly 40 years.

Mayor Tuck also shared the dates and times of the graduation festivities for Hampton City Schools.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Resolution be approved. The motion carried by the following vote:

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

**CONSENT AGENDA**

The Clerk of Council, Katherine Glass, read the protocol for the consent agenda and

a summary of the consent items.

**Approval of the Consent Agenda**

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

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

1. [20-0138](#) Resolution to Amend the Cost Allocation Agreement between the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach and the Transportation District Commission of Hampton Roads

**Attachments:** [HRT RESOLUTION - 5-27-20](#)

item approved.

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

2. [20-0141](#) Resolution of Endorsement of Fiscal Year 2026 Smart Scale Projects

Item approved.

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

3. [20-0158](#) Ordinance to Amend and Re-Enact Chapter 41.1 of the City Code of the City of Hampton, Virginia Entitled "Wetlands," by Amending Article III to Make Technical Amendments and to Reflect Changes to State Law Effective July 1, 2020

**Attachments:** [Senate Bill 776 \(2020\)](#)

[Redline Ordinance](#)

Item approved.

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

4. [20-0170](#) Resolution in Support of the Redesignation of Local Workforce Development Areas 14 and 16 into a New Single Local Workforce Development Area  
Item approved.

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

5. [20-0169](#) Approval of the minutes from the work and legislative sessions of May 27, 2020.  
Item approved.

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

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

### **PUBLIC HEARINGS**

The Clerk of Council read the protocol for public hearings.

6. [20-0145](#) FY 2021 - 2025 Consolidated Plan

Attachments: [DRAFT FINAL 06102020 City of Hampton Consolidated Plan](#)

[Presentation 06102020 Consolidated Plan](#)

The Clerk of Council read the title for the item.

City Manager Mary Bunting introduced the item.

Community Development Department Division Manager Jonathan McBride announced that the representative from the consulting firm, Kimley-Horn and Associates Inc., was unable to attend the meeting due to COVID travel restrictions, and therefore, he would speak on her behalf. He noted that he would send her questions that he may not be able to answer and return to Council with that information. He also reminded everyone that this five-year plan is prepared in-house most years, but a consultant is brought in every few years to bring an

outside perspective. He then began the presentation on the City of Hampton's 2021-2025 Consolidated Plan.

Mr. McBride stated that this plan is required by the Department of Housing and Urban Development (HUD) in order for the City to receive its annual allocation as an entitlement community towards housing for Community Development Block Grant and HOME funds. The required sections of the plan include the process, needs assessment, market analysis, strategic plan and action plan.

Mr. McBride spoke about the process requirements including community engagement, consultation with stakeholders, and citizen participation.

Mr. McBride shared information about the needs assessment. This section of the plan is based on HUD's data system and looks at demographic data and potential disparities among households in our community. Mr. McBride also described a needs assessment example referred to as cost burden data. This data compares renters to owners in the cost burden category; shows that renters are more likely to spend more of their income (30-50%) on housing; and shows that quality affordable rental housing may need to be addressed in our community.

Mr. McBride also shared some statistics about needs in our community based on demographics, income levels, affordable housing, overcrowded housing and quality of housing. He noted that the City is reinvesting in these areas in an attempt to address those housing concerns.

Mr. McBride stated that the market analysis section of the plan focuses on geographic aspects of the housing market including housing costs and the condition of housing in our City. He continued stating that quality affordable housing has been a concern in the City and those with lowest incomes are challenged with finding quality affordable housing. This explains the cost burden for lowest income residents as they are willing to pay a higher percentage of their income for homes in quality areas. Mr. McBride noted that the plan also acknowledges that this is not only a Hampton issue, but also a regional issue, and therefore, other localities need to address affordable housing needs as well.

Mr. McBride spoke about additional topics related to market analysis including areas of racial concentration, poverty issues and redevelopment in our neighborhoods. He noted that the Housing and Community Development Departments are working on broader efforts to address these needs.

Mr. McBride spoke about the strategic plan which is designed to address the challenges and needs identified by the needs assessment and market analysis. This

plan focuses on the needs in the Housing Venture Areas of the City including Old Hampton, Old Northampton, Pasture Point, Sussex and Phoebus, most of which are minority and lower income neighborhoods. Mr. McBride reviewed the identified priority needs of these areas and the goals listed in the strategic plan to address those needs.

Mr. McBride clarified that in addition to the strategic plan, the City is required to adopt an annual action plan allowing resources to be released from HUD. This plan lists activities and the budget that will be spent to implement those activities. Mr. McBride reviewed the list of activities that Council adopted last month in the budget.

Mr. McBride concluded the presentation and stated that following tonight's public hearing, staff is recommending adoption of the Consolidated Plan which is scheduled to be submitted to HUD in August. He then opened the floor for questions. No questions were posed.

**PUBLIC HEARING:**

Mayor Tuck opened the public hearing. As there were no speakers, he closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this plan be approved. The motion carried by the following vote:

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

**Rezonings**

7. [20-0149](#) Rezoning application by the City of Hampton to rezone +3.3 acres at 231 Lincoln Street [LRSN: 20000961] from One Family Residential (R-9) District to Parks and Open Space General (PO-1) District for the Mary Jackson Neighborhood Center

Attachments: [Application](#)

[Boundary Exhibit](#)

[Staff Report](#)

[Presentation](#)

The Clerk of Council read the title for the item.

Ms. Bunting introduced the item.

Planning and Zoning Division Manager Mike Hayes stated that this request is to rezone the Mary Jackson Neighborhood Center from R-9 (Single Family District) to PO-1 (Public Parks and Open Space District). He then shared information about the application related to site location; existing zoning; proposed zoning; and the Future Land Use Plan, the Hampton Community Plan and the Downtown Master Plan as they relate to the application.

Mr. Hayes stated that the concern about safety and unwanted activity in the area has been addressed in the proposal by shrinking the size of the footprint creating a block for the park and an area that is more manageable and fits the neighborhood size.

Mr. Hayes reminded everyone that the existing homes and single family lots in the area will remain and will not be included in what is being proposed; however, the potential exists for adding new homes in the future.

Mr. Hayes shared the preliminary design concepts and layout of the project. He also noted that there will not be a proffered plan which will allow more flexibility and the space to evolve with the community.

Mr. Hayes concluded the presentation and stated that staff recommends approval of the application. He then opened the floor for questions. No questions were posed.

**PUBLIC HEARING:**

Mayor Tuck opened the public hearing.

Ms. Donna Little greeted those on the dais and made the following statement: I am with the Old Hampton Community Association. My name is Donna Little. We would just like to say thank you for continuing to show interest in getting our center built after what the nation has and is going through that we are still a priority to getting this done. We would like to say thank you.

Mayor Tuck noted that there were no other speakers, closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Resolution be approved. The motion carried by the following vote:

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

**Use Permits**

8. [20-0150](#) Use Permit Application By Tanya O'Connor To Permit A Bed And Breakfast 1 at 333 Syms Street [LRSN 2003418]

The Clerk of Council read the title for the item.

This matter was withdrawn by the applicant prior to being heard by the Planning Commission. As such, no Council action was necessary on this item.

9. [20-0040](#) Use Permit Application For Vehicle Storage At 199 East Mercury Boulevard [LRSN: 12003535]

Attachments: [Conditions](#)  
[Application](#)  
[Survey](#)  
[Narrative](#)  
[Buffer sketch](#)  
[Staff Report](#)  
[Presentation](#)

The Clerk of Council read the title for the item.

City Manager Bunting reminded everyone that this item had been deferred to the March City Council meeting at the request of the applicant, however, that meeting was canceled due to COVID-19; therefore, the item is being handled today.

Planning and Zoning Division Manager Mike Hayes stated this is a use permit request for vehicle storage. He shared the site location and stated that there is currently a day care at the location with additional space being used for vehicle storage. He also stated that a citation was given at this location for illegal vehicle storage without a use permit.

Mr. Hayes shared information about property zoning and the future land use plan as they relate to the application. He emphasized that the future land use plan recommends residential land use at this site. He explained that there is a pretty distinct line between where the plan calls for commercial use ending and residential

use being. He continued explaining that it was also recognized that there is commercial use along this corridor beyond what the plan calls for, but the idea was to have residential across from residential, and over time, commercial uses would be phased out. Mr. Hayes also explained that Mercury Boulevard from King Street to Mill Creek is identified as a residential corridor with commercial nodes specifically called out in our adoptive plans.

Mr. Hayes spoke about the application as it relates to public policy and the Hampton Community Plan. He explained that because this is a residential corridor, compatible uses should be promoted in those scenarios. He continued stating that the Hampton Community Plan also calls for preservation of and enhancement to City corridors and gateways. He emphasized that the way this project would re-develop overtime is important to the City.

Mr. Hayes stated that staff recommends denial of this application as it is not in alignment with our adopted policies. He continued stating that if Council chooses to approve the application, staff recommends including a number of conditions related to location; screening and buffering; storage height and placement (no salvage or stacking associated with the storage); lighting; and the requirement that a ledger is kept providing a record of the vehicles moving on and off the site, as vehicles are not permitted to remain more than 60 days.

Mr. Hayes opened the floor for questions. No questions were posed.

The applicant's attorney, Mr. Larry Cumming, presented on the applicants behalf. He shared that this family has been in town for more than 30 years; the extended family owns 20 properties across the town; the family has been excellent corporate citizens; and, this is an example of a successful business that is strangled for space. Mr. Cumming shared that the site consists of 1.29 acres and is zoned C-3 as are all the properties down the entire area of Mercury Boulevard. He continued stating that two doors away is a self-storage facility and the allegation that the subject property creates flooding issues for neighboring properties is not accurate and does not apply.

Mr. Cumming also spoke about business owners in the area who are in support of the application and various businesses which are allowed to conduct business a certain way without a use permit, leaving the question: What is appropriate for the subject property?

Mr. Cumming said in his estimation, the proposal would create an oasis in an otherwise desolate neighborhood. He also spoke about logistics of the daycare including entrances, landscaping, and fencing and pointed out that all of the

commercial properties stretching to the corner back up to residential properties; therefore, the fact that this property backs up to residential property does not distinguish it from all of the other properties permitted to remain commercial.

Mr. Cumming also spoke about potential proffers which could be developed to accommodate the applicant's request; what the applicant is permitted to legally do according to documents he has already obtained (the Zoning Compliance Certification and License); and additional things the applicant is allowed to do without a use permit.

As Mr. Cumming's speaking time had expired, Mayor Tuck opened the floor for questions.

Mayor Tuck noted that he was unaware of the elevation/flood problem. Mr. Cumming clarified that his comments were in response to a complaint about flooding which was raised during the Planning Commission meeting by a nearby property owner.

In response to Councilwoman Brown regarding parking, Mr. Cumming clarified that the site plan permitting process requires that vehicles are parked on a paved surface.

Councilman Brown asked whether the concerns raised during the Planning Commission have been addressed. He said the concerns raised were regarding flooding, fencing, the number of vehicles being stored, the repair shop, the potential for daycare children being injured, and other businesses thinking this is not a good use for the property.

Mr. Cumming addressed the flooding issue saying any development in the City is required to preserve its water on its site and not adversely affect any neighbor, and the site plan review process will ensure that takes place.

Mayor Tuck opened the public hearing. Tri Nguyen, who is the applicant, withdrew his request to speak. Thien Nguyen, who also signed up to speak had to leave before being called to speak. The Mayor then closed the public hearing.

Mr. Cumming presented the following rebuttal statement: The question is what is the right thing for the City? Without a use permit, there are all of the things that can be done on the property and there are no conditions. You can't control what happens other than a regular City ordinance and the site plan requirements. With the use permit, all you are adding is vehicle storage subject to all the normal site plan requirements. In addition to that, you are going to be able to permit required

fencing around all of the parameters, setbacks, landscaping, lighting and you are going to permit two or more City businesses to be successful. This is what can happen with no permit - no fences, no landscaping, no anything. This is what is happening next door. What we propose is this. My question to you is which is better? Which is a better interest to the community? Controlling this use is an appropriate thing. The discussion during Planning Commission was this is an entrance to various parts of the community. Which one is a better entrance to the community? I think the answer is obviously easy to come up with. Finally, I have ten letters of support from members of the community. They include owners on both sides of this property as well as people on Mercury Boulevard (the residential properties) across the way.

In response to Mayor Tuck, Mr. Cumming clarified that Rogers Small Engine Repair currently exists with the same zoning of this property with no use permit.

In response to Councilman Hobbs, Mr. Hayes stated the images presented today were developed in a different era when regulations were different and there were different policies and plans in place. He continued stating that repairs can be done by right in the C-3 district; however, the ordinance states vehicle storage including vehicle storage accessory to heavy vehicle repair requires a use permit.

Mr. Hayes announced that because vehicle storage and various vehicle uses have been a question for the City, staff is working on ordinance amendments which require more of these types of uses to have use permits in order to contemplate whether or not it is the right location and what the appropriate conditions are. He clarified that in this case, under the code, a stand lone storage lot requires a use permit.

Mr. Hayes pointed out that staff had not seen some of the images presented today and that is not part of the conditions that were written. He continued stating that if Council is inclined to approve this and wants to see what has been proposed, new conditions will need to be crafted.

Additional discussion took place among Mr. Hayes, Mr. Cumming, and the members of Council regarding the logistics of the proposal and what is and is not authorized in the City. Zoning and Property Maintenance and Zoning Enforcement Manager Kimberly Mikel also provided information regarding regulating conditions of use permits.

Mr. Hayes reiterated that staff does not recommend approval because this does not fit with the policies that have been adopted.

For the record, Councilwoman Brown commented that she had an interest in seeing an additional proffer with the additional conditions of the pavement.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Linda Curtis, that this Use Permit be denied. The motion carried by the following vote and the use permit was denied.

**Aye:** 4 - Councilmember Brown, Councilmember Curtis, Vice Mayor Gray and Mayor Tuck

**Nay:** 3 - Councilmember Weston Brown, Councilmember Hobbs and Councilmember Snead

10. [20-0152](#) Use Permit Application by One Stop Driving School to Permit Private School at 3018 W Mercury Boulevard

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

The Clerk of Council read the title for the item.

Ms. Bunting introduced the item.

City Planner I, Frank Glover, shared information about the use permit application related to location, zoning, and the Future Land Use Plan. He also shared that the applicant has had a driving school in operation for some time and that the school was formerly located near the old Quality Inn building.

Mr. Glover explained that the applicant proposes to re-establish his driving school in a rented space of 2,400 square feet; classes will be held Monday - Sunday 8AM to 9PM including holidays; and one classroom will be used for up to 20 students. He added that the applicant currently holds online classes for his students.

Mr. Glover stated that the driving school fits with the Hampton Community Plan's policies of retaining, expanding and attracting businesses such as One Stop Driving School, as well as, preparing the City's youth for such responsibilities as learning to drive safely in the City.

Mr. Glover spoke about the recommended conditions, some of which are related to classroom capacity; parking; vehicles used for driving instruction; and loading and unloading from vehicles.

Mr. Glover stated that staff recommends the approval of this use permit with 7 conditions and opened the floor for questions. No questions were posed.

**PUBLIC HEARING:**

Mayor Tuck opened the public hearing.

The applicant, Jerome Simon, made the following statement: I'm actually the owner of One Stop Driving School. I'm here to support the situation. We've been doing this for probably about 11 years. I'm a 24 year military guy. I did a lot of instructing when I was in high school and saw the need for this type of instruction in the area. I just wanted to make it known also that as we do these classes, I'll say that 70% of the people that actually attend our classes are not driving. They are being dropped off and possibly picked up. I just wanted to make sure that that is known. If anyone has any questions for me, I'm here for that also.

No questions were posed to the applicant.

Mayor Tuck closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Use Permit be approved with seven (7) conditions. The motion carried by the following vote:

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

**Ordinances**

11. [20-0143](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 2-2 To Add New Definitions Of Animal Day Care, Animal Shelter, Home Based Rescue And Veterinarian Office Or Hospital, And To Modify Definitions Of Home Occupation, Kennel and Establishment

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Attachments: [Redline](#)

[Presentation](#)

The Clerk of Council read the title for this and the next item and noted that the presentation and public hearing for these items will be handled jointly; however, separate votes will be required.

City Manager Bunting introduced the item.

Senior Planner Allison Eichele stated that the purpose of the proposal is to update definitions (including various animal definitions) as well as the use table and applicable additional standards.

Ms. Eichele acknowledge members of the team who helped with the proposal. They include members of the Hampton Animal Response Team (HART) formally known as Animal Control, and the Community Development Department, the City Attorney's Office and the Treasurer's Office.

Ms. Eichele stated that item 20-0143 would amend Chapter 2 of the Zoning Ordinance to update the definitions chapter. It would amend the definitions of Kennel and the home based occupation, and add the definitions of animal day care, animal shelter, home based rescue, and veterinarian office/hospital.

Ms. Eichele stated that item 20-0161 would update the uses within the use table by adding animal day care, animal shelter, and home based rescue and expand the uses for veterinarian office and kennel. It would also add additional standards for the home based occupation, veterinarian office, kennel and animal day care (a brand new use).

Ms. Eichele shared information about each of the animal related uses. She also shared how the proposed amendment would affect each of the uses.

Mayor Tuck asked Ms. Eichele to speak about how animal noise levels are regulated.

Ms. Eichele stated that regulation is associated with whether the animal can be heard from outside of a building and for 10 minutes.

Deputy City Attorney Bonnie Brown added that section 22.9 of the City Code, subsection 3 (which governs noisy animals) says if any animal causing a sound that is plainly audible inside the confines of a dwelling unit, house or apartment of another person at least once a minute for at least 10 consecutive minutes or at 100 feet or more from the animal at least once a minute for 10 consecutive minutes or

after more than one complaint has been received and after the owner or other responsible person has been advised of the complaints and that such noise is unlawful. Ms. Brown clarified that it is not a decibel driven standard.

Ms. Eichele concluded the presentation on the animal related uses, noted that staff and the Planning Commission recommend approval of items 20-0143 and 20-0161 and opened the floor for questions. No questions were posed.

**PUBLIC HEARING:**

Mayor Tuck opened the public hearing.

Ms. Regina Quinn greeted those on the dais and made the following statement: In regards to the new proposed changes in the codes and ordinances, I do think it's a step in the right direction to get the codes for zoning and the zones for animal control and the City and the code in sync; however, I see some issues. Some of the issues this woman mentioned was about the current zoning, so it seems as if the zoning for doggie daycares and for-profit businesses is going to be expanded where a home based rescue and animal shelters - they are actually strictly regulated by City and state and the Virginia Department of Agriculture and Animal Control - are going to require a use permit. Up until currently, I believe that home based rescues are permitted to operate in a residential zone and the new proposed changes would not permit that at all without a use permit. And again, home based rescues are more strictly regulated and subject to visits at any time by animal control. So, that's a concern. Another concern that I have is currently, for the past year, I've done a lot of research and I have found that there are current establishments that are operating in what the current zoning is saying is not permitted. She mentioned that these legal operations will be able to continue to operate without incident, without interruption. I'm just asking Council to really closely examine what is currently in place right now and what is being grandfathered in to make sure that not only do we need to clarify these codes, but the consistent enforcement is really important and I don't feel like the enforcement of the codes has been consistent and that's something that I would be concerned about. The other thing that I have that I just want to present is what I found out recently at the Planning Commission meeting was that Animal Control, Zoning and the Treasurer's Office are not in sync when it comes to the kennel licensing. So, I have a few copies here I can give to someone if you guys want to overlook these. Basically, it's the kennel license application, so currently the Treasurer's Office can issue a kennel license to anybody without stipulating that there are current zones that are not permitted for kennels. So, apparently, I think you can confirm this that the zoning and animal control have not been able to get the Treasurer's Office on board with a consistent issuing of the kennel licenses in the proper zones.

Ms. Quinn added that as of today, the current kennel license applications are not up to date. The animal control phone number on there is about three years old. So, anybody who has questions about a kennel license who is prompted to call, they are not getting a working number, so that might help keep things consistent.

The Mayor closed the public hearing.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance be approved. The motion carried by the following vote:

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

12. [20-0161](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," to Modify Regulations Pertaining to Home Occupation, Kennel, and Veterinarian Office/Hospital Uses and to Add New Uses Of Animal Day Care, Animal Shelter, and Home Based Rescue

Attachments: [Redline Ordinance](#)  
[Use Table - Standard Zoning Districts](#)  
[Use Table - Special Zoning Districts](#)  
[Combined Presentation Note](#)

This item was handled simultaneously with item 20-0143.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance be approved. The motion carried by the following vote:

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

13. [20-0154](#) Ordinance Vacating Any and All City of Hampton Interest In a Portion of A Certain Alley of Varying Width Containing 3,112+/- Square Feet Bounded By Three Parcels Now Owned by the

Hampton Redevelopment and Housing Authority Collectively  
Addressed as 32 E. Queens Way (LRSN 2002883), 34 E.  
Queens Way (LRSN 2002882) and 27 S. King Street (LRSN  
2002982)

Attachments: [Exhibit A - Plat](#)  
[1955 Deed](#)

The Clerk of Council read the title for the item.

Ms. Bunting made the following statement: the City of Hampton, the Hampton Redevelopment and Housing Authority (HRHA) and the Economic Development Authority of the City of Hampton are parties to certain development agreements through which WVS, Hampton LLC plans to construct multi-family residential dwelling units and commercial space on the HRHA properties. The said alleyway that was described by the Clerk has not been used for the purposes set forth in the deed, but there's no evidence that the alley was ever formally vacated by the City. In order to facilitate a transfer in fee simple of the HRHA properties to the developer, the City desires to vacate any and all City interest in the portion of the alley that is subject to this action. The action will leave the remaining portion of the alley that crosses Crestar Bank (or Suntrust Bank's) property in place which can be vacated upon their request and City Council approval if necessary at a later date. Staff recommends approval.

**PUBLIC HEARING:**

The Mayor opened the public hearing. As there were no speakers, he closed the public hearing and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Ordinance-Non-coded be approved. The motion carried by the following vote:

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

At approximately 8:18 p.m. the Mayor took a recess until 8:30 p.m.

**Resolutions**

14. [20-0155](#) Resolution Authorizing the Conveyance of Three Parcels Of City-Owned Property Located in the Vicinity of Sunset Creek in Downtown Hampton To Bluewater Yacht Sales, L.C.

Attachments: [Exhibit A](#)  
[Exhibit B](#)

The Clerk of Council read the title for this and the next item.

Mayor Tuck opened the public hearing.

Mr. Jesse Tulp greeted those on the dais and made the following statement: I'm a 15 year resident of Hampton; 20 year veteran of the United States Naval Service, retired three years this coming August. I've been busy with my honey-do list for those three years and the noose is starting to loosen. The wife is going to let me have a life. And, now I hear that this ramp is potentially going away that I plan to practically live at. The City has paid for that with the tax dollars and I don't think it's fair to chip away Parks and Recreation for this purpose. I believe there are other ways to find what you need. I think this is impactful to middle and low-income families because low-income families traditionally don't have access to waterfront and it is fair that they get out on the water too. Traditionally, waterfront is expensive. Traditionally, its available waterfront requires impact studies, EPA involvement, Federal approval, and so it would be mired in bureaucrat nonsense and cost a lot of money to replace the loss of this ramp. Respectfully, thank you for your time.

Mr. Chris Fox greeted those on the dais and made the following statement: I've been a Hampton resident for about 12 years now. I've been using the ramp that long, and I just wanted to say that you know, for middle-income people that it's very expensive to own a boat; to pay the taxes; well, we didn't have to pay the property taxes in Hampton, but we have to pay another tax on it; repairs, everything like that is very pricey. Nowadays, pretty much to have any kind of fun, you got to pay for it, right? So, I would like to not have to pay for this because everybody should have a chance to get on the water, like he said, and experience it. It's definitely busy all the time, ever since the weather has changed, the ramp has been packed with people. I mean you've got so many people using that ramp, so it's not like it just affects a few. We're not talking about two people that are going to be upset here, I mean, this is a lot of people that use this boat ramp and it's their only way on the weekend to have fun with their families and things like that and to have good, fun recreation without spending a million dollars on a boat slip and everything else like that. Also, this is the only boat ramp that does go right out of the Hampton River, so that would be the only access here. And, the boat - you've got a closer boat ramp, two at Gosnold's Hope which would probably be over-crowded. I just talked to a gentleman the other

day that was doing repairs on this for the City, and it's a shame that we as tax payers that put all this money into this and then it would just be sold to Bluewater. So, I just ask you guys to please think of the small guy here, please think of the small working man. I'm a shipyard worker myself, so I'm not a millionaire. Just think of the small man with a family that just wants to go out on the water and have a good time with his kids. We've got to get licenses. We've got to do repairs on our boats. And, all we're trying to do is enjoy this passion that we all have for the water. So, thank you guys so much.

Ms. Susan Kelly greeted those on the dais and made the following statement:  
Thanks for taking the time to listen to what I have to say. I live right across from Bluewater, and Mr. Cumming, I've seen him several times. He must be the only rezoning attorney in Hampton, I guess. This is all about a yacht business, yacht company and yacht owners versus the average Hampton citizen, boater. Do we, as Hampton, want to cater to the wishes of big businesses at the cost of the average Hampton citizens that I see using the boat launch every day? I'm talking about small boat owners, fishermen, families, kayakers, paddle boarders, etc. For a lot of these users, this is their only outlet and in this day and time right now, to take an outlet away for recreational purposes from people - it's just not a good time. And, sometimes, it's their vacation time. And with that being said, if I had to side with, I would side with the vast majority of the users of that boat launch that are against this. And, I was over at the boat launch on Sunday and it was packed. I talked with the gentleman that turned out to be a fire marshal. He was out there boating on the weekend because he works, he's a responder that has to be there Monday through Friday, and he was out with his boat; he was not happy with this issue either. This is a two-fold issue. The rezoning is the first step of the parking being taken away. To zone it as commercial will take that parking away where the boat owners then can't even come in to use the boat ramp. So, the citizens of Bluewater are going to use that for their own purposes. I saw the presentation that Mr. Cumming put on, on the first of June. That is actually why I came today was for the rezoning - because that is so important and when I hear our logo is "Choose Hampton", I say why? I didn't choose Hampton to buy a yacht or live across from a new and used boat dealer, and most of the yachts serviced there are sold from out of state to people that come in either with their boat to get serviced, and then they leave. I wish I could say that the City and Bluewater were sincere, that they will ensure a new adequate boat launch nearby, not Fort Monroe, is available before they do anything. If you sell and stop access to the boat launch in favor of big business instead of the average citizen before a new boat launch is ready nearby with close adequate parking, then I say shame on you, Councilmembers. And, please, let's not play the shell game. Thank you very much.

Mr. Donald Neubert greeted those on the dais and made the following statement: I'm

a resident of Hampton. I live on the Hampton River. I also own a trailerable boat. I'm also the president of the Elizabeth Lakes Estate Civic Association, 316 homes of which 75 of them are on the Hampton River. Myself and the residents of Elizabeth Lakes utilize that boat ramp to take their boats in and out in order to store them either at their home or a lot of the residents who do not have property on Elizabeth Lakes or the Hampton River utilize that boat ramp because they have a lot of trailerable boats or they have kayaks or they have paddleboards. So, it's great use for the Elizabeth Lakes Association. But, I'm also a boater in Hampton and I will tell you that I also use the boat ramp for removal of my boat when hurricanes come into the area, and in order to do that, other than the Hampton River Sunset Ramp, I would either have to go to Fort Monroe, but if you look at the Fort Monroe ramp, it is in disrepair, it is privately owned, it costs money to utilize, additionally, word has it that it's for sale or that they are going to revitalize that area and part of that revitalization is going to remove that boat ramp. So, then we would have no boat ramp on this side of Hampton Roads and it's extremely dangerous in even winds of 10 knots to take the small boats and use them utilizing the Hampton boat ramp to drive all the way around the back river to use either Gosnold's, or what people refer to as the Willis or the Dandy Haven Public boat ramp. So, it really is the only one, so it is a safety issue. It's also a recreational issue and an access issue. I consider a boat ramp kind of a bridge to the water, so a lot of the people in the Hampton area utilize that boat ramp as a bridge to get out and recreate. There are great places to go on the Hampton River - Hampton Roads, Fort Monroe, James River from Hampton and people are starting to recognize and utilize that, so by getting rid of the boat ramp, you are also reducing people's recreational activities. And, finally, I'm a business man in the private industry. I used to be in government, so I understand what Bluewater wants to do to expand their business, but I think the detriments of selling this to Bluewater far outweigh any benefit that you would receive from that sale. So, I would recommend that you do not sell at all. Thank you.

Ms. Claire Neubert greeted those on the dais and made the following statement:  
Thank you for having us here. I appreciate it. I have to say that when I heard about the possible sale of this boat ramp, I said what, why? Why would a City that prides itself on initiatives like resilient Hampton and placemaking and did such a great job in eliciting input from people on Parks Recreation and Leisure close this ramp? It's an amenity that is important to so many people and a diverse group of people. This ramp is the only ramp on the Hampton River. As you have heard before, the other ramp over at Fort Monroe is not a good alternative. I don't really understand why we're looking for another alternative when this ramp was placed there for good reason. It's because there's adequate water depth, good accessibility, it's protected. And, that protection allows boaters, especially novice boaters including youth groups and people who really are just trying to get out and experience our waterways. It gives them a chance to do that. Whereas, other locations and other

places in our City don't have that kind of protection in that access. So, that access also helps support the businesses that supply the boaters and that the boaters go to for restaurants and entertainment and that sort of thing. All of those small businesses which are the backbone of Hampton are also still just trying to survive under the cloud of this COVID, so as you've already heard, there's a safety element of being able to have a ramp on the Hampton River that is accessible to so many people. And, whether it's a storm or whether your boat broke down or whether, you know, it's a police issue, we need that ramp. Also, I feel that the business expansion should not fall on the City or the citizens here. It is primarily the business's responsibility to know if they have the resources to do that expansion and it should not be at the expense of the rest of us who use that ramp. So, I really hope that you will vote no to this and not kick this can further down the road for further discussion. I really just feel strongly that we need to preserve this access and this ramp. It is an issue for Hampton and beyond that, for this region to have access to our waterways for everybody. Thank you.

Ms. Brenda Marks greeted those on the dais and made the following statement: I just wanted to make sure you understood that I get up every morning and when I go out to get in my car, I look at Bluewater Yacht Sales. I have no problem with the Halls expanding Bluewater, but I do have a problem with them doing it in my backyard. I have lived on that corner since 1996. I thought we've been pretty good neighbors. Apparently not good enough that they would sit down with us and tell us what they were planning to do ahead of time, but at the same time, I spent this weekend putting flyers out to give everybody you all's emails since there were no signs, and I can tell you that I distributed 95 flyers under the windshield wipers of cars on Saturday and Sunday. A lot of your residents use that landing from skiers to kayaks to boats. I understand you all are talking about deferring, but a deferral is not a denial and I have City Council meeting minutes in my hand that in 2005, the City Council that sat at that time, formed a committee to solve the issue with Bluewater, and here we are 15 years later and it snuck right up. I say snuck right up because I got a letter that said Bluewater had already bought the two lots. The proffer I have with me and I was advised that it had been reviewed by the City Attorney, but the proffer clearly stated that Bluewater owned multiple lots and had now purchased the two lots. When I got that letter and I can tell you in talking to my neighbors, we all thought the same thing: Well, they've already done it. Why are they sending us a letter? I can tell you that my property has an appraisal that says it's water view. If he puts a lift on that boat landing, guess what happens to my water view? It's gone, and the value of my property goes. There are five other residents. The timing of this during the COVID virus when everybody is scared to go anywhere, you have people in Caps Quarters who have talked to me this afternoon that said we would go, but we are old and we are in the high risk and we are scared. There is more to this than selling the landing, and when you are thinking about

passing it down the road, I don't want you to think that finding another boat landing is going to solve the problem. Thank you.

In response to Mayor Tuck, Ms. Ashley Haines noted that some people in the audience are wearing tags which say "Save Sunset Boat Ramp".

Ms. Ashley Haines greeted those on the dais and made the following statement: I am a resident of Hampton and I've been here almost 10 years. I grew up crashing sailboats around Back River and ended up coming back here unexpectedly. I came back here from Annapolis. Growing up sailing boats in Annapolis looks a lot different than it does here. I don't know how much time you've spent up there, but it looks a lot different up there. And this is one of the things I appreciate about Hampton. I really love the diversity we have in our City and I love the diversity that I see out on the water. We've had several folks who have spoken about lower income folks being able to have access to the water, and that is really, really important to me as an educator. I spent today going boating with one of my African-American students and that was our way of making a statement, and I want to make sure that those people have access to the water. It's really important for all of us to have access to the water because it has an impact on STEM and the number of people who go into those fields and it matters a lot to me, you can hear it in my voice. I also want to say two other things. One, the Facebook group that is kind of gathering folks is up to 334 members, so there really are a lot of voices. And, if you are not a boater, I just wanted to share kind of the way we think about the ramps. We have a small Mako that was given to us and when we want to launch, we launch from that ramp because it is safe. We can't go all the way around the entire City in our little boat, but we also wouldn't feel comfortable going out to that ramp, so we have a little phrase that we use "We are going to stick our nose out". You go stick your nose out and see what the conditions are and we head right back in because it really is not safe to be in a small boat out in that area. So, I appreciate that there is an attempt to find a substitute, but that one really isn't going to cut it.

Ms. Elisabeth Biondi greeted those on the dais and made the following statement: I appreciate you hanging with us through this. I want to urge the City Council to please vote against selling this property. The Sunset Boat Ramp is an amazing asset for the downtown Hampton area and the rest of the City. Hampton is a waterfront community and I think we need to keep that asset available to all of the Hampton residents of the Hampton community. I personally use the Sunset Boat Ramp. I would also like to address the issue of the comparable boat ramps. The Sunset Boat Ramp is the only boat ramp on the western side of the Hampton Roads Bridge Tunnel. The Fort Monroe Boat Ramp as we have mentioned before is in disrepair. Also, the current situation, the current, as in the movement of the water, near that boat ramp can be hazardous at certain times and is hard to use. Also, the

Dandy Haven Point Boat Ramp is about eight miles all the way outside the river on the other side. You have to actually go into the Chesapeake Bay to access that boat ramp from the water. I just want to bring those points to your attention. Also, today, listening to the beginning portions of our meeting this evening, we talked about a strategic plan and we talked about the Hampton Community Master Plan, and in those plans we talked about community public facilities and making sure that we have access to public facilities in this community and this boat ramp is one of those assets that Hampton has. Also, we talked about the Master Plan, recreational facilities and promoting active recreation in Hampton and our waterfront community. I think this boat ramp does that for us. So, I just want to thank you very much for your time tonight. Thank you.

Ms. Diane Stephenson greeted those on the dais and made the following statement: I live about .4 miles from the Sunset Creek Ramp. My husband and I, we use it to launch our tandem canoe, kayak, and we enjoy our time out on the water. We've tried other launches and that one is really the best one. We pay one of the highest real estate of property taxes in the seven cities and I'm surrounded by water and we even have to pay flood insurance. So, we pay a lot of money to have access to the water and guess what? We don't have any. That is really our only access in our community other than going to the other places that they mentioned. It's like a desert, even though I am living by the water. I don't have access to see the water. I can go up Chesapeake Avenue, but there's no direct access. They've closed off the end of the road there, at Ivy Home Road. We used to could go down there. There's a little beach down there. That's been closed off; the business closed it off. So, we have no access, but I'm paying a lot of money to live around water that I don't have access to. So, I beg you, please, if you haven't already made up your mind that you not defer it. I would like for you to go ahead and deny that. I love Bluewater Yacht. I love seeing those beautiful boats. I love eating at Surf Rider, but I think that they have enough and they can find other ways of doing what they want to do, but please consider all of us hard working people to have access to the water. Water is life. Thank you.

Mr. Greg Stephenson greeted those on the dais and made the following statement: As my wife stated, I've lived in throwing distance of the dock and I am the former Vice President of the Newtown Improvement and Cultural Center which we've been very active. Also, I have spoken with the President, and we request that you all vote no on this because the President and myself and many of the other community members, we utilize this dock and we want the record to reflect that we are not in agreeance for this being sold and taken away from the average citizen. Thank you.

Mr. Mitchell Parker greeted those on the dais and made the following statement: I want to thank you all for allowing me the opportunity to speak before you. I would

also like to thank Councilman Hobbs and Councilwoman Curtis for responding to my emails that I sent out. I've been a resident of Hampton since approximately 1999. I've lived in Tidewater all my life. I've been on the water since I was five years old. This boat ramp at Sunset is necessary and vital to the City of Hampton. There is no public boat ramp at Fort Monroe. The boat ramp that we speak of there is not public land. We have to pay to use that. I have a small boat. The wind coming out of there is very dangerous and there are shoals that build up there. Sunset Creek, you can very easily fit four boats going in and out. Fort Monroe, on a good day, you can fit two. Now, yes, there is the one that people refer to as Dandy Point, again, that's almost to the York River. For a small 18 to 21 foot boat, you have to go all the way around Buckroe and Fort Monroe to even reach the Hampton Creek that way. We count on downtown Hampton, the vitalization, the heartbeat of Hampton. We have the Pirates Festival. We have the Christmas Boat Parade. We have everything that goes on there in the summer. That boat ramp, that launching dock, is the closest one - what we consider our heartbeat of Hampton. I understand that Bluewater Yacht is a business, yes, they are a business in the City of Hampton. Let's look at the impact on the other businesses in Hampton. You have the Barking Dog right across the street. You have Bass Pro in the newly renovated Power Plant. All of these. You have the local bait shops. You have the local places, even Walmart that sells your boater licenses, that sells your tackle. The places that sell the kayaks right down here on Mercury. They are also businesses of Hampton. Bluewater Yachts has other locations. They are able to service these yachts at the other locations. The residents of the City of Hampton, we do not have another option besides the Sunset Boat Ramp. I urge you all. Our logo is "Choose Hampton". I urge the Council, please choose the residents of Hampton over big business. Thank you very much for your time.

Mr. Shane Seaman greeted those on the dais and made the following statement: I don't have too much to add to what everyone else has been saying here, I will keep it short, but, these waterways in Hampton Roads are one of our greatest resources and assets here. We should make it easier to access them rather than harder, and closing the Sunset Boat Ramp would definitely make it harder. So, just keep that open. Thanks.

Ms. Katherine Kearney greeted those on the dais and made the following statement: Thank you for your time. I'm a lifetime resident of the City of Hampton. My family's been here since the early 1800's. I grew up on the water. I participated in all the sailing classes at the Hampton Yacht Club. I've pulled crab pots, I've pulled gill nets, I have a small motor boat. I live in the Fox Hill area. I use both of the ramps at Dandy Point and the ramp at Sunset. My parents live on the Hampton River. I find the City of Hampton and downtown Hampton to be a beautiful area. It is a jewel to be able to come into the Hampton River and spend time in the river. When it's windy

outside in the bay, the Chesapeake Bay in Hampton Roads, the Hampton River provides access for boaters to still enjoy the water. Also, I am requesting tonight that you deny the sale of this property. I am also requesting that you do not rezone that property. Bluewater Yacht Sales have other locations to include North Carolina, they have a large business there. Also, if Bluewater was to increase their business and bring larger yachts through the Hampton River into the Sunset River, we have the Hampton Yacht Club that has junior sailors there in the river in their little sail boats, sailing around, learning how to use the water and how to navigate. Hampton University has the small sailboats over there. We have jet skis. We have kayakers. We have paddleboards. The Sunset boat yard, they have more business than they can handle where they bring boats into the water. Also, I believe that the Sunset ramp does provide additional business to the City of Hampton. Salt water recreational fishing is a multimillion dollar business. Small businesses are supported by the people that utilize the river. So, once again, in conclusion, I request that Council deny the sale of the property and do not rezone that area. Thank you for your time.

Mayor Tuck closed the public hearing and called for the motion.

After the Mayor closed the public hearing, Councilman Steven Brown made a motion to postpone indefinitely consideration of the sale of the three parcels. The motion was seconded by Councilwoman Eleanor Brown and passed on the following vote:

- Aye:** 6 - Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck
- Nay:** 1 - Councilmember Curtis

15. [20-0148](#) Rezoning Application by Bluewater Yacht, L.C. to Rezone 90 and 92 Marina Road [LRSN: 20002669 & 20002670] from One Family Residential (R-13) District to Light Manufacturing (M-2) District for an Expansion of the Yacht Sales, Repair, and Customization Business

Attachments: [Application](#)

[Narrative Statement](#)

[Survey](#)

[Proffers](#)

[Staff Report](#)

[Presentation](#)

Mayor Tuck commented that this company (and the Halls) has invested in our area for years and assured everyone that Council has heard those in the community and is sincere about creating a win-win situation for everyone.

A joint public hearing was held on items 20-0155 and 20-0148.

After the Mayor closed the public hearing, he made the following statement:

Because the city council has indefinitely postponed action on the sale of the property to allow for additional public input and review of alternative boat ramp sites, we are also directing the city manager to withdraw the city's consent, as a landowner, for the rezoning application, which is scheduled to be heard at the June 25th Planning Commission Meeting. This will allow the application to be brought back to City Council and the Planning Commission when it is appropriate to do so, rather than on a pre-set timetable, which would normally be within 100 days of the deferral at planning commission.

- 16. [20-0160](#)** Resolution to Amend the Fiscal Year 2020 Approved Budget to Accept the Local Allocation of Funds to be Received through the Coronavirus, Aid, Relief, and Economic Security Act of 2020 and to Appropriate Those Funds to the Grants Fund

**Attachments:** [CARES Act - Sec of Finance May 12, 2020 Memorandum to Localities](#)

The Clerk of Council read the title for the item.

Ms. Bunting made the following statement regarding the item: Congress and the President recently signed the Coronavirus, Aid, Relief, and Economic Security Act (CARES) of 2020. A primary component of the act was assistance to state, local and tribal governments through the establishment of the Coronavirus Relief Fund. Allocations were made to select cities that were over 500,000 population directly. Other localities such as Hampton received an allotment through their State. A few weeks ago, we were notified that the Virginia allocation to the Hampton City Government would be \$11,735,479.00, and we do need to formally receive those funds and accept it into our grant accounting system so that we can properly account for those expenses. There are certain strings attached to this money that cannot be used for revenue replacement and there are only certain kinds of expenses that are eligible. All funds must be spent by December 30, 2020. At this time, we are still examining all of the rules and regulations as well as clarifying questions that have come in and answers that have been provided. We are not

prepared today to share a recommendation on how to spend the \$11.7 million, but because it is more than 1% of our current fiscal year budget, we do need to have a public hearing to receive the funds. Once we've processed all of the rules and regulations and answers to questions, we will come back with a public presentation to share with Council and the community on the planned use of those funds. For the time being, however, they will sit in the grant account. We recommend approval.

Presented by Mary Bunting. Mayor Tuck opened the public hearing. There were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Linda Curtis seconded by Councilmember Billy Hobbs, that this Resolution-Budget be approved. The motion carried by the following vote:

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

#### **PUBLIC COMMENT**

The Clerk of Council read the protocol for the public comment period.

Mr. Johnnie Carroll greeted those on the dais and made the following statement: I have been a citizen of Hampton for fifty years. The colossal at the base of the Statue of Liberty reads thusly: "Give me your tired, your poor, your huddled masses yearning to breathe Free", yet what should trouble all of us is to witness a shop keeper just a few miles away piled upon by New York City Police Officers screaming at the top of his lungs three simple words: I can't breathe. Yet, such an incident is not an isolated one. Two weeks ago, a young man by the name of George Floyd, gasped and struggled desperately for his chance to consume air, but was met with negative results. Yet, this incident is not one that is based in Minneapolis or New York City. Right over there, just a few, not even a block away from here, Angela Nicole Reedy was shot and killed right there on the corner of Eaton Street and Pembroke Avenue. Years before that, there was Antoine Sedgwick who was found hung from a tree where now the Coliseum Convention Center now stands. So, now, we are faced with a serious issue. Most of us say we need an eye for an eye, but that will only make the whole world blind. I need my eyes to see. I need your eyes to see the truth. Why do I need to see the truth? Because Donald Trump can hold his Bible up and I'd rather read mine. Especially, in the second chapter of John where it says....for ye shall know the truth and the truth shall set you free. I want to be free from all this fear, violence and confusion, and I want to be able to see George Floyd say "I can't breathe" because that's

evidence and that evidence leads to justice and that justice - I'm not talking about just any kind of jury code jet leg justice, I'm talking about justice that goes for all. Once we get those bad justices lined up to go ahead and deal with this thing, then the next thing we get after, we get truth and justice, then we have peace. Not just peace for somebody, not just peace for anybody, but the peace that God grants all those who know and love Him. Thank you very much and have a wonderful evening.

Mr. David Schiller provided handouts for City Council and made the following statement: I live on the south. I'm a retired Air Force Colonel, 37 years in the Air Force. I'm a Viet Nam and Afghan Vet. I've risked coming home under a flag to preserve the freedoms and prosperity that we enjoy today. I want to basically preserve the Sunset Boat Ramp. I'm a six year resident of Hampton. I came down here to take a job with the Navy overseeing the Shipyard contracts for the aircraft carriers/marines. I'm going to retire here and remain here. I've been in love with this place since 1999 when I was going to a school in D.C. and we came down to do a military review of the tidewater and military facilities. Again, bottom line, up front, I oppose the selling of the boat ramp to Bluewater Marine. Bluewater Yacht Sales identifies itself as a high-end yacht brokerage, and I've got to ask you - I don't think that is representative of the economic norm of the Hampton citizens. Bluewater proposes to use the land for its own private and profit purposes. It wants to expand and complement the existing facilities. It wants to improve their competitive position and it wants to contribute to the economic development by generating more high-wage jobs. Well, now I know why my boat maintenance is so expensive. Bluewater's proposal to buy the boat ramp comes at what kind of a cost to the common citizens of Hampton? It displaces the popular and public use of a safe and long-time public boat ramp and the citizens and tax payers who paid for it, maintained it and enjoyed it and depend upon it to launch and recover their boats. I propose to you that there are many more Hampton citizens who enjoy the benefits of their Sunset Boat Ramp than will benefit from the economic growth to give the ramp to Bluewater. The City offers the boat ramp at Fort Monroe (as has been said here, and take a look at some of those pictures) as an alternative stating that it is more accessible since it was transferred to the City with the brac transfer in 2011. I want to tell you, the offer of that boat ramp as opposed to the Sunset Boat Ramp is akin to throwing a bone to the citizens while taking away a prime rib steak that they have paid for to enjoy. Take a look at that map - we've already talked about the location of it. This is a prime location and any other alternative would be in the far upper north sector of Hampton and would not give direct access to the Hampton River. Secondly, let's talk about the condition. Please look at those pictures. The status of that Fort Monroe boat ramp is really bad. It has two floating ramps; they are uneven. It even has that sign. Take a look at the last page - the bottom of that sign that is posted out there says "Caution. Uneven surfaces. Possible trip hazard. No children under the age of 12 allowed on the docs without a life vest." There is no

sign like that at the Sunset Boat Ramp. That's a very solid boat ramp there that is very safe and as it has been said before, protected for the recovery and the launching of boats.

Mayor Tuck indicated to Mr. Schiller that his speaking time had expired.

Ms. Regina Quinn greeted those on the dais and made the following statement: One way of describing what I am trying to convey here is I'm the youngest of eight children. I grew up in a big family and my oldest sister and I, although we grew up in the same home, same parents, same family, same culture - we lived totally different lives. She was 16 when I was five years old. My father died. We had a completely different experience. This just came to me as I sat there to try to maybe get through to the Council how the City that you live in (of Hampton) is very different than the Hampton City that I live in. We live in definitely different realms. I am boots on the ground. I am seeing what's going on in the City with the animals; whereas, you are up here, you're running the City from a different perspective and you're counting on the departments that you rely on to make sure everything is running properly. I'm asking that this coming year with the new elected officials if you can please maybe be more in contact with people like me and maybe get more involved with what's going on in the City with the animals. I want to bring up one thing that is very important that I think is adding a lot to the problems in the City with animal welfare. Although you are trying to better - they are making an attempt to clarify the zoning and put stricter regulations and better welfare, you have a contradicting opposing factor which is no pet limit which is fine for me, but no pet limit for the citizens of Hampton make potential disaster situations such as hoarding. So, people are on no pet limits, so they have all of these animals, but they are not being cared for or regulated properly. Then you have backyard breeders. In the Code of Virginia, Article 2-1, there are commercial breeding regulations and laws. There's laws that have to be followed by commercial breeders. What about the backyard breeders? How many animals are ending up in our shelters from backyard breeders that have no regulations whatsoever? I'm asking that you please adopt a new policy to prohibit backyard breeding without the proper regulations of business license and commercial breeding standards. If you could please consider that going forward, I would really appreciate it. Thank you.

Mr. Reginald Wheeler was called upon, but did not speak.

## **GENERAL ITEMS**

### **Resolutions**

- 17. [20-0159](#) Resolution Approving the Terms of a Cooperation Agreement Between the Economic Development Authority of the City of**
-

Hampton, Virginia, and the City of Hampton, Virginia, Authorizing the Execution and Delivery of Said Cooperation Agreement for the Acquisition and Exchange of 108 S. King Street and 15 Rudd Lane; and the Transfer of Funding of Certain Financial Support Committed for the Construction of a New Seafood Agricultural Research and Extension Center at the Downtown Waterfront

**Attachments:** [Cooperation Agreement CAO Rev 6.4.2020](#)

[AREC Project --Master Agreement Draft--VTF Comments 4-16-2020](#)  
[\(Clean\)](#)  
[Presentation](#)

The Clerk of Council read the title for the item.

Ms. Bunting introduced the item.

Senior Business Development Manager Steve Lynch provided the update on the progress of the Agricultural Research and Extension Center (AREC) facility.

Mr. Lynch provided the statuses of the key documents associated with the project. He also announced that tonight, Council will address the Cooperation Agreement which will facilitate and provide funding for the AREC facility as well as the Economic Development Authority's (EDA) participation from a funding standpoint. He added that the agreement will be executed between the Economic Development Authority and the City of Hampton.

Mr. Lynch shared information about the project related to the configuration of the new parcels, the existing site, the land exchange, City and EDA funding, and other funding sources and uses.

Mr. Lynch noted that Mayor Tuck had previously suggested that the U.S. Department of Commerce Grant may be a potential funding source and announced that staff discovered that it is indeed a good funding source; and, therefore, the U.S. Department of Commerce has awarded funds to both the City and the Virginia Tech Foundation for the effort.

Mr. Lynch reviewed a series of slides which provide renderings of the new AREC facility from various points of view. He reminded everyone that this three story building will contain approximately 22,000 square feet of new space.

Mr. Lynch shared the next steps in the process and then opened the floor for questions. No questions were posed.

Mayor Tuck commented that he was excited to see this project move forward as it has the potential to bring different types of businesses into our downtown.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Resolution be approved. The motion carried by the following vote:

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

### **Appointments**

Mayor Tuck called upon the Clerk of Council to read the motions necessary for the appointments.

- 18. 20-0114** Consideration of Appointments to the H2O Community Development Authority

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 7/8/2020. The motion carried by the following vote:

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

- 19. 20-0142** Consideration of Appointments to the Building Code Board of Appeals

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred to the City Council Legislative Session, due back on 7/8/2020. The motion carried by the following vote:

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

- 20. 20-0144** Consideration of Appointments to the Mayor's Committee for People with Disabilities

A motion was made by Councilmember Linda Curtis to appoint Dora Parker-Jimenez and Venezio Jimenez to first terms expiring

on June 30, 2024; reappoint Valda Claiborne, Vivian Austin, Tyrell Mullen, Irene Ferrainolo, Deborah Apperson, Sharon Griffin, Rev. William Anderson, and Gwendolyn Burnett to their first full terms which will expire on June 30, 2024; and reappoint James Nieder, Evelyn Alston and Kennard Dukes to their second terms which will expire on June 30, 2024;

The motion carried by the following vote:

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

- 21.** [20-0162](#) Consideration of Appointments to the Hampton-Newport News Community Services Board

A motion was made by Councilmember Linda Curtis to appoint Colonel Karen Bowden and Charisse Mullen to first terms which will expire on June 30, 2023. The motion carried by the following vote:

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

- 22.** [20-0163](#) Consideration of Appointments to the Virginia Alcohol Safety Action Program Advisory Board (VASAP)

A motion was made by Councilmember Linda Curtis to reappoint Dr. Michelle Boone-Thornton to a second term which will expire on June 30, 2024. The motion carried by the following vote:

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

- 23.** [20-0164](#) Consideration of an Appointment to the Peninsula Airport Commission

A motion was made by Councilmember Linda Curtis to appoint Col. Brian Kelly to a first term which will expire on June 30, 2024. The motion carried by the following vote:

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

- 24.** [20-0165](#) Consideration of Appointments to the Hampton Redevelopment & Housing Authority

A motion was made by Councilmember Linda Curtis to reappoint Butch Heath to a second term expiring on June 30, 2024. The motion carried by the following vote:

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

- 25.** [20-0166](#) Consideration of an Appointment to the Grievance Board

A motion was made by Councilmember Linda Curtis to reappoint Karl Gunther to a second term ending on June 30, 2024. The motion carried by the following vote:

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

- 26.** [20-0168](#) Consideration of Appointments of Council Liaisons to Various Boards, Commissions and Committees

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Appointment be deferred. The motion carried by the following vote:

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

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

Mayor Tuck reminded our citizens to participate in the census and wished Councilwoman Curtis Godspeed and wished her the best and welcomed Councilman-Elect Chris L. Bowman and congratulated Councilman Hobbs and Councilwoman Snead on re-election.

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20-0186      Briefing on 21st Century Policing

Attachments: [Presentation](#)

City Manager Bunting introduced the item.

Police Chief Terry Sult made introductory remarks and listed the following topics for discussion related to 21st Century policing: transparency; community engagement; youth education and prevention; civilian oversight; training; recruitment; and use of force.

Chief Sult emphasized that in addition to these areas of work, the Police Department is constantly evolving and taking new concepts into consideration in conjunction with advice provided by the Citizen Police Advisory Group.

Assistant Chief B. Archie spoke about the ways in which the Police Department is working to implement the areas of work described by Chief Sult.

In response to Mayor Tuck, Assistant Chief Archie explained that Community Problem Oriented Policing Sergeants (CPOP's) and officers are encouraged to communicate with those in the community to identify and resolve problems. He clarified that officers are not directed to contact citizens by showing up at their addresses; instead, they are encouraged to learn about residents and what goes on in the communities by speaking to residents while they are out on calls or are dispatched to areas in the community.

Chief Sult added that the department periodically conducts door to door neighborhood audits, after which weekly reports listing the number of contacts are prepared.

Assistant Chief Archie continued with the presentation.

At Mayor Tuck's request, Assistant Chief Archie provided the following information about the Keep the Peace Program: Individuals are referred to the program by juvenile intake or the courts. Participants and their parents attend a two day course to learn about the criminal justice system and the potential outcome of continuing down the wrong path. This successful program has reduced the recidivism rate and has helped youth avoid the criminal justice system. The program is tracked by the courts. The school system is also involved in the program.

Assistant Chief Archie continued speaking about youth education and prevention, civilian oversight, training, and use of force.

In response to Mayor Tuck, Assistant Chief Archie explained that no-knock search warrants are authorized, but are only used in very extreme situations in which it is believed that what is on the other side of the door needs immediate attention. He added that it has been determined that slowing things down usually results in a better ending for everybody.

Vice Mayor Gray spoke about recent events across the country related to police choke holds, body cameras, use of deadly force, and restrictions related to shooting at or from moving vehicles. He asked one of the Chiefs to speak about where Hampton stands on these matters.

Assistant Chief Archie emphasized that Hampton does not teach or train the use of choke holds nor does it authorize it as a use of force technique. He also emphasized that it has been made clear that if it is used, it is only to be used in a deadly force situation or to preserve life.

Chief Sult added that this topic is taken very seriously in Hampton and noted that officers have been terminated in the past for violating rules associated with the use of this technique. He reiterated that this technique is not taught in Hampton, and the only time it is allowed is in a situation where it must be used to defend an officers life or that of a third party (regardless of where the technique was learned).

Additional discussion took place among staff and the members of Council regarding the use of choke hold to include how the City of Norfolk has addressed the issue.

Assistant Chief Archie shared additional information about police training, recruitment and staffing.

Assistant Chief Archie concluded the presentation and listed some of next steps being implemented moving forward. They include: community meetings, social media communication, town hall meetings, and training (de-escalation training and offering the training course “Valor to Virtue”).

Assistant Chief Archie opened the floor for questions and comments from those on the dais.

Vice Mayor Gray applauded the police department for its diligence and for improving the demographics of recruitment and outreach.

Chief Sult made closing remarks.

Mayor Tuck thanked both Chiefs for explaining how things work in Hampton, and for

their leadership and many years of service. He also commented that he is proud that some of the things that have been taking place in communities across the country are not happening in Hampton.

Chief Sult thanked the Mayor and the members of Council for their leadership and support.

**MISCELLANEOUS NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

The meeting adjourned at 10:25 p.m.

**Contact Info:**

**Clerk of Council, 757-727-6315, council@hampton.gov**

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Donnie R. Tuck  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

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