



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Council Approved Minutes - Final City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Chris L. Bowman
Councilmember Steven L. Brown
Councilmember Hope L. Harper
Councilmember Billy Hobbs
Councilmember Martha Mugler

STAFF: Mary Bunting, City Manager
Courtney R. Sydnor, City Attorney
Katherine K. Glass, MMC, Clerk of Council

Wednesday, October 23, 2024

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present.

Present: 7 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Hope L. Harper, Councilmember Billy Hobbs, Councilmember Martha Mugler and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilman Steven Brown

Councilman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

There were no comments by the Mayor.

CONSENT AGENDA

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

Approval of the Consent Agenda

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

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

1. [24-0448](#) Resolution Requesting that the Virginia Department of Transportation Program Pine Chapel Corridor Improvements Project into its Six-Year Improvement Plan

Attachments: [UPC 120901 Agreement Package \(Updated\)](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

2. [24-0450](#) Resolution Authorizing an Advance of \$11,864,171 from the City's General Fund Unassigned Fund Balance to the FY25 Capital Budget (Capital Projects) Fund for Hampton City Schools Maintenance; Maintenance of Public Properties; and, Parks, Recreation and Leisure Services Maintenance

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

3. [24-0428](#) Correction of David Kelley-Riddick's appointment term to the Citizens' Unity Commission (CUC) from September 30, 2028, to September 30, 2027.

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

There were no presentations, proclamations or awards.

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Resolutions

4. [24-0451](#) Resolution Authorizing the Execution of a Use Agreement Between the City of Hampton and the Fox Hill Neighborhood Center to Use the Fox Hill Neighborhood Center Located at 65 Hall Road

Attachments: [FHNC Use Agreement 2024 \(partially executed\)](#)

Ms. Glass read the title for the item.

Ms. Bunting provided the following background information. The City is the owner of the Fox Hill Neighborhood Center, located at 65 Hall Road. Since 2020, a Use Agreement between the City and the Fox Hill Neighborhood Center Non-Stock Corporation has been in place regarding its use and operation of the center for the benefit of the Fox Hill community. The Department of Parks, Recreation and Leisure Services and the Non-Stock Corporation desire to continue the relationship by executing a new Use Agreement. Under the Use Agreement, the Non-Stock Corporation will continue to manage programming at the center pursuant to the terms of the Use Agreement. The general terms and conditions of the Use Agreement are similar to those for other neighborhood centers. For example, the Non-Stock Corporation has certain responsibilities related to programming at the center and must maintain appropriate insurance and financial records. The term would commence on the date the Use Agreement is signed by the City Manager, assuming you give the authority to do so, and would continue for an initial term of two years, and then a renewal option for the term to continue for an additional three years, after which the item would need to come before Council again for renewal. Staff recommends approval.

The Mayor opened the public hearing and, since there were no speakers signed up to speak, he closed the public hearing. A motion was made by Councilmember Hope Harper and seconded by Councilmember Chris Bowman, that this Resolution be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

PUBLIC COMMENT

The meeting reached the time for the public comment period about nine minutes before the close of sign-up. The speakers who had signed up to that point began

speaking.

Mayor Tuck called upon Teresa Roundy and Franklin Chambers.

Ms. Teresa Roundy introduced herself and made the following statement: I'm a resident and business owner in the City of Hampton, and I come again tonight before you in reference to Barnes Cemetery. It's been 19 years, and so I just want to make sure that... you know I've given you actual notice and constructive notice as to the potential hazards out there, as far as the arsenic, copper and mercury. In your folder, you'll see - this first one tells you how many people can be buried per acre, potentially, and then there's some more stuff on arsenic in the cemeteries, and then here's another one that lays out some more of the contaminants. I know that y'all have another - they did a third ground penetrating radar, and that's been sent out to a third party to review. I gave y'all the September 28, 2005, minutes at one of the other meetings. That's not in the yellow book, but in there. Mr. (name inaudible) also indicated that there was burials to the land adjacent to it, which, when they did the second ground penetrating radar, showed some anomalies over there that could be bodies. I also, I did a title search on the property, \$55.50 worth, which I gave a copy to the Interim City Attorney. I told her that in there it appeared that the people did not have ownership of that property, of the entire property. Here's a deposition in that papers that indicates - that's a business, that was a cemetery business just like Parklawn. If you go to Parklawn and you want to bury, be buried there, or bury your family, you purchase the plot. You own that plot. Now, if you decide you want to go to Parklawn and purchase Parklawn, the only thing you can buy at Parklawn are the lots that have not already been sold and there's nobody in there or they've been sold. You only own the common areas, the walkways and the places that are not sold. You do not own the property where the bodies are at because they are already sold. So, when they purchased the cemetery, they purchased the cemetery as like Parklawn, and when you go and you research it real quick, the cemetery board did not come into effect until 1998, so you can't go to a cemetery from the 1880's and use those laws and regulations for something that was started before that. Thank you.

Mr. Franklin Chambers greeted those on the dais and made the following statement: I'm coming to you this afternoon or this evening with concerns about the traffic control on the corner of Shell (Road) and Greenbrier (Avenue). I've spoken to you before in the past, and now I understand that there's been some more decisions made, and it looks like now we are going after blocking several streets along Shell Road. I don't understand how this decision was made and how that's going to help the neighborhood. Really, my concern is by blocking Shell Road and myself owning one of the properties there with a circle driveway, I believe that's going to route all the traffic in my yard, or, you know, and I pay the taxes on that property, not the

City. I'm going to have to figure out a means to control the traffic through my yard, now, at that point of Shell (Road) and Greenbrier (Avenue) where the traffic will probably use my driveway to turn around. I mean, there is grave concern about the heavy trucks, you know, that the trash pickup, the rubbish pickup, the emergency vehicles. One of the things my wife and I discuss is, if we had an emergency, a medical emergency there, and there are several cars turning around and trying to get an emergency truck to my yard or to my residence. I mean, that's going to pose a problem there, you know. And you know, not just speaking of myself, I'm speaking of all the residents there. I really, I guess I come tonight to ask you to please reconsider that. I don't understand how we came to that decision on a neighborhood that's probably 100 years old, and all of a sudden it just becomes, hey, let's just block off all the (inaudible word) ways there. It doesn't make sense. It really doesn't. I understand there is a cost of \$10,000 or more to install rumble strips or, you know, speed bumps or humps or something like that. I don't know, you know, why we couldn't, at least attempt to do something on a 90-day temporary fashion along those means, but it just seems to me, there's got to be a better way than blocking off the neighborhood. That neighborhood has been there for quite some time, and now we're going to modify the whole neighborhood. We've already modified the west end of Shell Road, I mean, with the installation of the new industrial park up there, with the buildings and things now it looks like it's, it's almost like a disease. It's just spreading on down through the neighborhood. So, please, I ask the panel tonight to reconsider blocking Shell Road, Charles and Vaughan Avenue. Thank you.

Mayor Tuck called on Charlene Thompson and Craig Knopp.

Ms. Charlene Thompson greeted those on the dais, introduced herself, announced that she resides on Greenbrier Avenue and made the following statement: The reason that I'm here tonight is because the four-way stop signs that you all implemented, I thank you for, but it's not working. Those people are flying through that intersection like it's not there. Some are going 60 miles an hour. There hasn't been an accident yet, and that's a blessing from God, but I have a feeling that once it happens, and I can see it happening, it's going to be a fatality, because I don't understand why people can't obey the rules, the laws, the regulations that's set in place. I'm here to ask for, since it seems to be an issue with speed bumps, humps, however you want to address it or look at it, a signal light. That's what I would like to see happen - to have a signal light, because initially, when I started attending these meetings, because my house is right on the corner, and it's been hit two times from vehicles speeding, running through the stop signs. We were told that you all tried to implement one of those things that take pictures of the license plates of people going through the stop signs or speeding, and that once it hit their pockets, that it would stop, but now we're being told they have to go through the legislative people or whoever, to even get one of these - it's not something that, you know, Virginia can

just do - and just put in place. In school districts, yes, but in neighborhoods, no. So once again, I would love to be able to see a traffic light put in place. Thank you.

Mr. Craig Knopp greeted those on the dais and made the following statement: I'm here to talk about a couple things, about campaign signs. So, what I've been seeing last couple years is that there seems to be a certain amount of residents that continually put four by four signs out in front of their properties. Now, normally you can play the system. I believe it's 100 days prior to election, you can put campaign signs out there, and with the normal 311, the way of correction is they send an email or send a letter out, and you have 30 days to take it out of there. So, basically, 100 plus 30, you can put it 100 days prior or 130 days out, and still be within the realm of leaving it out there. So, you can beat the system that way. Four by four campaign signs, same thing. So, if you go put them out there 30 days prior to election, you can beat the system once again. You'll get your election. You'll get your notice saying 30 days, you know you'll have to take it out, but you know you're already within the 30 days, and you have your four-by-four sign out on residential property, and you can leave it there legally. So, basically, long story short is I was wondering for stricter discipline on repeat offenders for residential properties. Is that something City Council can make an agenda on to fine them more or anything like that with a little bit stricter type thing? Or is that something that I have to go talk to the delegates and senators on? That's all I have. Thank you.

Mayor Tuck noted that three more people signed up to speak and called on Aaron Weaver and Joan Weaver.

Mr. Aaron Weaver introduced himself and made the following statement: In partnership with - that is what City Council is supposed to be for its citizens. When I came to you all in 2022, even before that, I spoke to you all, and I told you all exactly what was going to happen with closing up Pine Chapel (Road). You all did not listen to me. Now you all are at the work session. You all are trying to close down the roads, cut down Shell Road, and what is that going to do? So, you're going to end up closing each and every one of those roads until we get to Powhatan Parkway, because that's what you're going to have to do, because all you're doing is moving traffic down the road. I am staunchly against that. Staunchly against that. You all gave the notification, which the amazing people at the City that works for the City. They're amazing. They messed up. They gave residents one day, had a planner on the day of and then also too, 25 people still showed up, but then you also didn't... If you wanted data, if you want to know what the neighborhoods think, use the website. You all can do...they can do a poll there very quickly, and that way, we can meet people where they're at. Meet people where they're at, everybody's not going to be able to show up, and 25 people still did. You all want the data? Get the data, but don't go ahead and close it from 30, 60, 90, however many, and then come back

and say, Oh, we can do that. No, you all don't work that fast. I have been in front of you all for a long time. I know this, but don't do this again in partnership with us. Thank you.

Ms. Joan Weaver greeted those on the dais, introduced herself and made the following statement: I am here to address that very same sentiment and solidarity with our neighbors from Greenbrier (Avenue). We're on Catalpa (Avenue), and we're feeling the brunt of this too, and it is a shame, but it all gets back to what we said November 9, 2022, amid backlash. Mayor Tuck, Vice Mayor Gray, Chris Bowman, Eleanor Brown, Michelle Ferebee, Billy Hobbs - with the exception of Steven L. Brown, who stood up for the quality, safety and well-being of us, our neighborhood, you all are responsible for Hell's gate that has opened. You deem North Point Phoenix Commerce Center a success. How, in God's name, can you call this a success when it is to our detriment? Your developers are slick. They came for one thing. North Point involved in several legal lawsuits for environmental injustice, as we said, but still, you accepted it, because you don't go home to it. It is a shame and it is a sin. You took our pine, you took our Virginia State School for the Deaf and Blind, and now we have generational devastation and detriment because of all who made that decision, with the exception of Mr. Steven L Brown, you are all guilty, and it should all be blood on your hands. They come to you again, and they are asking you, do not close our streets. We are not there to be subs to north point, that, in essence, is what you all have made us. All the improvements have done have been for North Point. I've lived there for 67 years, and not one thing have you done until North Point comes along, good neighbor. Hell no. Because if it was, we would not be subjected to the things we are. We come to you earnestly. We came to you, data driven, and we came to you professionally, and Hell's Gate is what we see. Do the right thing. Do not touch our streets. You've done enough damage for generations to come. Give us the respect and dignity that we are due, and that's all I have to say.

Mayor Tuck called on the next speaker, Jeannie Belgrave.

Ms. Jeannie Belgrave greeted those on the dais, introduced herself, and made the following statement: Today I'm just going to mention two short things. One is related to the Ridgeway Bark Park. There seems to be a lowland area in the back of it, and some of our citizens are beginning to be concerned about that, and is there any possibility to bring to fill in those, the spot so it doesn't get muddy when it rains or after it rains, if you know, it stays muddy for the few days? That's one of the things that I want to mention. And, if it's possible, do I need to ask somebody about that? Who can I ask about, you know, fixing, filling it up? And. the other thing is our carousel in downtown, which is awesome, I had the experience there with visitors coming to Hampton, and they didn't have cash with them, and I noticed that the

carousel doesn't have an ATM machine in there. What are the steps, or what is needed to do for the carousel area to have an ATM so people, when they come in and they don't have cash, they can actually, you know, use it, and then, of course, enjoy the carousel? And that's all I have for today. Thank you very much.

Ms. Bunting made remarks about some of the concerns brought up during the public comment period. She emphasized that the Shell Road/Greenbrier pilot was just that, a pilot. She also shared that staff received an email from Ursula Barkers about emergency vehicles, solid waste trucks, delivery trucks, etc., not having access to the road during the pilot. She shared that is not the case and there are examples of more narrow streets that have been temporarily closed, but those vehicles were able to handle the challenge. She also addressed the school bus access concern saying that when these pilots are done, walk space is left for students and other pedestrians, so the barricade only blocks vehicular access, not pedestrian access.

Ms. Bunting continued saying that at today's work session, Public Works and Community Development Director Jason Mitchell shared the various options the neighborhood was presented with and he will address any questions Council may have. She also said that while the notice did not get out as fast as we wanted, 25 people were in attendance, but there was no agreement amongst them. Mr. Mitchell provided his recommendation to Council (as a leader of Public Works and a certified traffic engineer) to test some assumptions about what's going to happen with traffic (30-, 60- or 90-day trial). The challenge with a 30-day trial is that non-neighborhood people who cut through may not get the notice or do not cut through all the time, thus longer trial periods are suggested. She explained that the goal is to see what will come to pass as oftentimes something totally different happens than what people thought would happen, so a pilot helps the City test it. Ms. Bunting said that many Council members have expressed that they do not want to hurt the neighborhood, so it is important to get feedback from the neighborhood if we do the pilot. Ms. Bunting added that Mr. Mitchell was present if Council wanted him to give remarks.

Ms. Bunting said that she is not aware of the issue at the dog park, but will check into that. With regard to the ATM, she said the City has never received a request for one at the carousel and that there are several banks within walking distance. She noted that she will find out from staff how often the need for it arises as there is a certain level of flow required for a bank to put an ATM machine in a certain area. With regard to campaign signs, she indicated that she will follow up with the City Attorney's office, but believes zoning violations require a 30-day notice. She added that what we are required to provide is set in the state code, and therefore, we will most likely have to go to the General Assembly to change that.

GENERAL ITEMS

Ordinances

5. [24-0449](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 21, Motor Vehicles and Traffic, to Create Article XI, Entitled, "All-Terrain Vehicles and Off-Road Motorcycles," to Provide for the Lawful Seizure, Impounding, and Disposition of Unlawfully Operated All-Terrain Vehicles or Off-Road Motorcycles.

Attachments: [Redline](#)

Ms. Glass read the title for the item.

Ms. Bunting reminded everyone that Council received a detailed presentation about this at the last meeting, so today, she will provide a brief summary about the item and Police Chief Wideman is available to redo the presentation and/or answer questions if needed. She then provided the following summary: Between 2022 and 2023, the Hampton Police Division saw 140% increase in calls for service related to all-terrain vehicles (ATVs) and off-road motorcycles (dirt bikes) operating in a reckless manner in public spaces, often involving a group of riders causing quite a bit of disturbance to neighbors or other people that were calling in those complaints. Although somewhat down in 2024, year to date, these types of offenses continue to be elevated, with over 60 calls for service for speeding or reckless driving by these vehicles as of earlier this month when we gave the other presentation. Riders often recklessly speed, perform wheelies or other unsafe acrobatics, block roadways and trespass on private property, such as parking lots. This behavior creates a dangerous environment for our citizens, public safety personnel and the riders themselves. Unregistered ATVs and off-road motorcycles prevent investigative efforts for law enforcement in tracking ownership of potential violators. Pursuits of the vehicles that are clearly more agile increases risk of property damage and personal injury. Traffic tickets alone have not been a successful deterrent, therefore, at our request, the 2024 General Assembly enacted legislation which gave the governing body of any city the ability to, by ordinance, provide for the lawful seizure, impounding and disposition of an ATV or off-road motorcycle unlawfully operated within the boundaries of our City. That is what this potential ordinance that is before Council addresses.

Ms. Bunting reiterated that Chief Wideman is available to speak about how the program would work if Council would like for him to do that.

Mayor Tuck opened the floor for questions. No further discussion took place.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Martha Mugler, that this Ordinance-Coded be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

Councilman Hobbs shared that Mayor Tuck and Vice Mayor Gray will be performing at The Vanguard on November 2nd as a benefit for the Hampton Education Foundation. School Board Member Tina Banks Gray will also perform.

ADJOURNMENT

The meeting adjourned at 7:04 p.m.

Contact Info:

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

Donnie R. Tuck
Mayor

Katherine K. Glass, MMC
Clerk of Council

Date approved by Council _____