



# 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*  
*Steven D. Bond, Interim City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, January 10, 2024**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck convened the meeting 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 Steve Brown

Councilman Brown gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck introduced Steve Bond, Hampton's Interim City Attorney, and Clint Ross, Hampton's new Federal Facilities and Community Relations Director.

Mayor Tuck shared the names of those who will be honored as Hampton Heroes at a ceremony that will take place on Monday, January 15, 2024, at 1 p.m. at the Hampton Roads Convention Center. This year the City will be honoring the nationally recognized Aberdeen Gardens neighborhood which was built for and by black people as part of Franklin D. Roosevelt's New Deal program. The individuals being honored are Arthur Howe, who submitted the proposal for Aberdeen Gardens to the Federal Resettlement Administration; Harriett R. Robinson, the black architect who designed the neighborhood and homes; William R. Walker, Jr, the community

manager of Aberdeen Gardens; Evelyn D. Chandler, a key leader in obtaining the neighborhood's historic designation; Lieutenant Colonel Roosevelt Wilson, the leader of Aberdeen Gardens groups in the 1970s and 80s; Chief Master Sergeant Claude Van Jr, who assisted in the restoration of Aberdeen Gardens museum complex; Lieutenant Colonel Retired Claude Van, III, who led the community as neighborhood of the year and created community partnerships; and Margaret Wilson, who shares Aberdeen stories locally, and nationally to keep the history alive. There will also be one name added to the category of Modern Era Trailblazers in Public Service. These are individuals who worked for justice and equality, advocated for the community, and made a lasting impact on Hampton. This year's honoree is Will Moffitt, a neighborhood leader who pushed the city to create YH Thomas Neighborhood Center and became a City Councilman who built bridges in the community.

Mayor Tuck read the following statement: In the past four weeks, we have received a number of emails related to a ceasefire resolution for the conflict in Gaza. There's a lack of empathy among the members of the Hampton City Council for what is occurring to the residents of Gaza, nor for the Israelis who were killed on October 7, and for those who are still held hostage. However, the Council's position is not to interject ourselves in international conflicts.

Mayor Tuck pointed out that at the last meeting, it was brought to his attention that he was not consistent in ensuring that those who spoke gave their names. It is actually in the agenda that is provided when speakers enter that they are required to state their names. The reason for this is that oftentimes individuals leave after signing in to speak and sometimes some individuals approach either the standing microphone or the podium and don't come in the order in which they were called. He apologized for the last meeting and stated that he would make sure that he is on top of making sure people give their names.

Mayor Tuck stated that it was brought to his attention that he misread the following statement: There is no lack of empathy among the members of the Hampton City Council for what is occurring to the residents of Gaza, nor for the Israelis who were killed on October 7, and for those who are still held hostage. He apologized for the misreading of that statement.

6. [23-0347](#) Approval of the minutes from the Downtown Hampton Business District Annual Meeting on November 8, 2023; the Hampton City Schools Community Priorities Workshop meeting of November 9, 2023; and the Aberdeen Gardens Historic & Civic Association's meeting of November 18, 2023.

Attachments: [231108 MIN DHDP - final REVISED](#)  
[231109 MIN HCS Community Priorities Workshop - final REVISED](#)  
[231118 MIN Aberdeen - final REVISED](#)

This matter was removed from the consent agenda for a separate vote. At the request of Councilwoman Mugler and after a brief discussion, it was decided that each set of minutes should be voted upon separately.

Downtown Hampton Business District Annual Meeting -  
November 8, 2023

A motion was made that the minutes of the Downtown Hampton Business District Annual Meeting be approved. The motion carried by the following vote: Bowman - Abstained; Brown - Aye; Gray - Aye; Harper - Aye; Hobbs - Abstained; Mugler - Aye; Tuck - Aye.

Hampton City Schools Community Priorities Workshop -  
November 9, 2023 - 2nd vote

A motion was made that the minutes of the Hampton City Schools Community Priorities Workshop be approved. The motion failed by the following vote: The motion carried by the following vote: Bowman - Aye; Brown - Abstained; Gray - Aye; Harper - Abstained; Hobbs - Abstained; Mugler - Aye; Tuck - Abstained.

Aberdeen Gardens Historic & Civic Association - November 18,  
2023 - 1st vote

A motion was made that the minutes of the Aberdeen Gardens Historic & Civic Association be approved. The motion failed by the following vote: The motion carried by the following vote: Bowman - Abstained; Brown - Aye; Gray - Abstained; Harper - Aye; Hobbs - Abstained; Mugler - Abstained; Tuck - Abstained.

## CONSENT AGENDA

Ms. 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 Harper, 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. [24-0001](#) Resolution to Amend the Fiscal Year 2024 Council Approved Budget to Accept and Appropriate the FY 2024 Violence Against Women's Act ("VAWA") Program - Prosecution Grant Awarded by the Virginia Department of Criminal Justice Services

**Attachments:** [2024 VSTOP Grant-Proposal-Overview---Fillable-PDF \(002\)](#)  
[2024 VSTOP-Grant-Routing-Form---Fillable-PDF](#)  
[confidentiality\\_acknowledgement\\_form\\_42015](#)  
[Victim Safety Assurance Statement](#)  
[2024 VSTOP SOGA unsigned](#)

Item approved.

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

2. [24-0004](#) Resolution to Amend to Fiscal Year 2024 Council Approved Budget to Accept and Appropriate the Fiscal Year 2024 American Rescue Plan Act (ARPA) Tourism Recovery Program Grant Awarded by the Virginia Tourism Corporation

**Attachments:** [Issuance of Grant](#)  
[Overview ARPA Sports](#)  
[Event Proposal](#)  
[Approval of Application](#)  
[Grant Terms and Conditions](#)  
[Expenditures](#)

Item approved.

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

3. [24-0017](#) Resolution to Amend the City Council Approved FY2024 Budget to Accept and Appropriate \$247,739 from the Virginia Department of Transportation in additional State of Good Repair Funds to the Capital Fund (Capital Projects Fund) for Three Existing Projects

**Attachments:** [UPC 121039 Updated Appendix A REV 1](#)  
[UPC 121040 Updated Appendix A REV 1](#)  
[UPC 121113 Appendix A REV 1](#)

Item approved.

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

4. [24-0018](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Kevin Niblock to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Six-Foot Wood Fence

**Attachments:** [Presentation](#)  
[Encroachment Agreement](#)

Item approved.

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

5. [24-0021](#) Resolution to Amend the Fiscal Year 2024 Council Approved Budget to Accept and Appropriate Continuum of Care Planning Project Grant Awarded by the United States Department of Housing and Urban Development.

**Attachments:** [Grant Routing Sheet - CoC Planning Pro FY24.pdf](#)  
[Grant Proposal Overview CoC Planning Project FY24 \(1\).pdf](#)  
[CoC Planning Project Agreement FY24 \(1\).pdf](#)

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.

### Use Permits

7. [23-0283](#) Use Permit Application No. 23-0283 by Peninsula Main VA, LLC to Convert Existing Retail Suites into Residential Apartments at 1631, 1641, 1651, 1661, 1671, and 1675 Merchant Lane [portions of LRSN 13004973]

**Attachments:** [Presentation for City Council 1-8-24](#)  
[Applicant Presentation](#)  
[Application](#)  
[Conditions - revised](#)  
[Conditions Redline - revised](#)  
[Staff Report - revised](#)  
[Conditions - October](#)  
[Staff Report - October](#)  
[Staff Presentation - revised October](#)  
[Staff Presentation - revised 11\\_8\\_2023](#)

Ms. Bunting introduced Mr. Donald Whipple, Chief Planner, to make the presentation. She noted that this item was previously presented to Council but deferred until tonight's meeting.

Mr. Whipple explained that this item is a use permit to allow multi-family dwellings in the limited commercial C-2 and Coliseum Central overlay districts. He displayed several graphics showing the location of the site which is located in the center of Peninsula Town Center (PTC).

Mr. Whipple provided a recap of the Coliseum Central Master Plan policy for this area which includes concentrating retail development in the core and encouraging denser development; developing appropriate relationships between residential, commercial, and park uses; and creating dense, upscale residential development

with a mix of retail and for-sale properties.

He shared information on the multi-family history within PTC. The Chapman Apartments were built with the original design of PTC followed by conversion of space for an additional 25 units. The Axis is a new all-residential building that was part of the former Macy's redevelopment. There is retail conversion along Merchant Lane and the completion of the first floor of the Chapman in 2022. In November 2023, Council approved one of two use permits that would permit the addition of residential units at the intersection of Hartford and Cunningham Drive. The second use permit is the subject of tonight's presentation.

Mr. Whipple shared details of this proposal which include the conversion of existing retail space for multi-family use to create nine units that will share amenities with the Chapman. The amenities include the rooftop garden terrace/grills, the community room/fitness center, bike storage, and the dog park.

He displayed a floor plan showing the northern half of the building. The southern half of the building would remain as commercial space.

The first unit on the corner would be a two-bedroom unit and the remaining eight would be one-bedroom units. Access to all of the units would be off of Merchants Lane.

Mr. Whipple shared that when this use permit was first deferred, Council had concerns about the look of the storefronts. One of the concerns was that the previous conversion, which is across the street, looks like vacant storefronts. They wanted to know if there was some way that the applicant could address their concerns. The applicant is recommending pressure washing and patching all surfaces, removing all commercial signage, installing new treatment along the base of the windows, replacing the awnings with a trellis structure, installing new residential lighting, and replacing the doors with frosted doors. He showed a rendering of what the exterior would like with the recommended changes.

Mr. Whipple shared nine conditions recommended by staff which address the permit, maximum number of units, design standards, shared amenities, management, occupancy, compliance with applicable laws, and nullification and revocation.

Based on the treatments recommended by the applicant, staff is recommending amending the conditions to address those sayings to ensure that they take place. Conditions specific to the storefront façade renovation are the removal of all commercial wall signage, cleaning and repair of all surfaces, installation of a 36-inch

solid base at the storefront windows, and a 36-inch pedestrian cover at all entrances. Opaque treatments would be prohibited on all storefront windows, excluding the access doors.

Mr. Whipple stated that even with the recommended changes, staff believes that this proposed conversion of retail space into residential space is still in an inappropriate location and form; poses safety, privacy, and noise concerns because of the lack of separation from street-level activity; and the loss of leasable retail square footage and the erosion of the commercial core of PTC.

Staff recommends denial of item number 23-0283. The Planning Commission recommended approval with the nine conditions.

The applicant's representative, Mr. Peyton Millinor, shared that the applicant, the adjacent building owners, and the PTC Property Owners Association all believe that the best use for the north side of this building is multi-family. It has been attempted to be leased for five years with no takers. It is in a difficult location with poor visibility and very little parking. The leasing agents make their living off of leasing space and they've been unable to do so with this space.

Mr. Millinor addressed the concerns about losing retail space. He reminded Council that 173,000 square feet has been added to PTC and even with the existing retail that has been developed into multi-family, they have still added 100,000 square feet of retail. Since 2019, there have been 19 new ground-floor retail tenants added. They are attracting a diverse type of retail tenant to PTC but most don't want to go to this location.

Mr. Millinor shared that he fears that the space will continue to remain dark and unattractive, property values will be assessed lower, and the tax base will fall. He believes that with the building of these nine new units, the property tax base lift by \$29,000 per year.

Mr. Millinor addressed the security concerns Mr. Whipple mentioned in his presentation. Since the retail ground floor on Merchant Lane was converted into 52 multi-family units in 2022, there have been no complaints from tenants about security issues. The Axis apartments have been there since 2020 and have had no security issues on the ground floor affecting residents. The biggest issue has been kids trying to sneak in and use amenities, and security has to ask them to leave.

Mr. Millinor stated that after speaking to most of the Council members the biggest concern was the facades. He acknowledges that his first presentation recommended keeping the facades the same and he now agrees that that needed to change.



Vice Mayor Gray stated that he initially supported this change and appreciates all the work that the applicant and staff did to try to address his concerns over the look of the property should it be converted to apartments. Since that time he has learned that the applicant is planning to sell that half of the building for commercial and maintain half which raised some concern for him regarding the future of the property there. He stated that given the information that he received since that time, he doesn't think he can support it.

Mr. Millinor clarified for Vice Mayor Gray that this building was originally one tax parcel and through working with the City of Hampton, they approved it being split into two separate condominium units, a north unit and a south unit. The south unit is 100% occupied retail. That property, like every other property that any other developer owns in the City of Hampton, is either generating cash, it's for sale, or it's for refinance. He stated that Vice Mayor Gray is correct, that asset is on the market for sale, so there is a chance that it could be sold to a new owner. The reason for that is that they have already invested nearly \$100 million of ownership's money into building those 173,000 new square feet of retail. We put that much money in converting some of the other multifamily properties but we'd like to pull some money out by selling the retail portion of Building D to use to pay for the conversion of this dark building into retail.

In response to Councilman Brown, Mr. Millinor stated that the commercial footage in that building is approximately 16,000 square feet versus the 9,900 square feet that are being proposed for conversion to these nine units.

Councilwoman Mugler stated that she was also in favor of the potential of converting these to multifamily units but the sale of the other side of the building is a huge concern and she is not comfortable moving forward.

Mr. Millinor asked what specific concerns Vice Mayor Gray and Councilman Mugler have so he could address them.

Councilwoman Mugler stated that there are several concerns but one is that if the other side of the building is sold, Council would not know what a new buyer would do with that particular property. We know that it is currently commercial, and we'd like for it to remain that way.

Mr. Millinor stated that that was his concern as well when the decision was made to split them up. For that reason, when the condominium regime was created and the condominium declaration recorded, it said that the southern unit, which is currently commercial, could never be used as residential.

Councilwoman Harper stated that she has not been, and is still not, in favor of this change for various reasons. She stated that she wants the public to know that as the Council liaison for the Planning Commission, her vote was nay even though it was said that the Planning Commission recommended approval.

Vice Mayor Gray shared that his concern is the long-term future of the PTC which is a major economic driver for Hampton. He stated that the applicant has done a great job turning over the vacant Macy's store to create a new hotel and apartments, as well as the new square footage. However, with the parcels now being broken into individual pieces with different ownership, that raises concerns for Council regarding the future of PTC.

Mr. Millinor shared that should the use permit not be approved, the applicant's offer stands to lease the entire north building to the City of Hampton for \$1 a year plus the actual expenses that are incurred, for 10 years, so the City can have full control over the fate of that building.

Mayor Tuck stated that the shopping center has agreements with some of the tenants that give them say so over what comes there. He is aware that it presents a challenge for the applicant and would probably present a challenge for any new owner in terms of what that person could bring in. He concurred with Vice Mayor Gray that PTC is a major economic driver for the entire Coliseum Central area. While the applicant is adding other businesses that you can't get online, there are other things Council would like to see there, and they are willing to incentivize those within reason. He stated that he thinks the feelings among Council are that they would rather say no and potentially upset the applicant, but also get to the point of negotiating something else for that space that would be a different experience, one that is lacking in our City and/or region.

Mr. Millinor stated that the applicant continues to be open to discussing generous incentives that the City has extended in the past to attract experiential tenants.

Mayor Tuck opened the public hearing. There were no speakers signed up so he closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Use Permit be denied. 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

Mayor Tuck stated that, after speaking with the Interim City Attorney, the minutes from the Hampton City Schools Community Priorities Workshop and the Aberdeen Gardens Historic & Civic Association required voting again.

[23-0347](#)

Approval of the minutes from the Downtown Hampton Business District Annual Meeting on November 8, 2023; the Hampton City Schools Community Priorities Workshop meeting of November 9, 2023; and the Aberdeen Gardens Historic & Civic Association's meeting of November 18, 2023.

**Attachments:** [231108 MIN DHDP - final REVISED](#)  
[231109 MIN HCS Community Priorities Workshop - final REVISED](#)  
[231118 MIN Aberdeen - final REVISED](#)

Hampton City Schools Community Priorities Workshop -  
November 9, 2023 - Second vote

The motion to approve failed on the following vote:

**Aye:** 3 - Councilmember Bowman, Vice Mayor Gray and  
Councilmember Mugler

**Nay:** 4 - Councilmember Brown, Councilmember Harper,  
Councilmember Hobbs and Mayor Tuck

Aberdeen Gardens Historic & Civic Association - November 18,  
2023 - Second vote

The motion to approve failed on the following vote:

**Aye:** 3 - Councilmember Brown, Vice Mayor Gray and  
Councilmember Harper

**Nay:** 4 - Councilmember Bowman, Councilmember Hobbs,  
Councilmember Mugler and Mayor Tuck

It was decided that the minutes from the Downtown Hampton Business District Annual Meeting were approved and the minutes from the other two groups would be taken up at a future

meeting. The regular agenda continued.

8. [23-0312](#) Use Permit Application No. 23-0312 by A & A Loyalty Group LLC d/b/a Karma Restaurant & Lounge to Permit a Restaurant 3 to Expand the Hours of Operation and to Expand the Hours of Indoor Live Entertainment for Hours as Late as 2:00 AM at 87 Lincoln Street [portion of LRSN: 2003249]

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

Ms. Bunting introduced City Planner Davis Pemberton to make the presentation. Mr. Pemberton shared a map and an aerial image showing the location of the site in downtown Hampton. He also showed the general floorplan of the restaurant, which is about 2,600 square feet with an area for live entertainment located towards the front of the restaurant. As part of their application, their proposed hours of operation are Sunday through Thursday 4 p.m. to 10 p.m., and Friday and Saturday 4 p.m. to 2 a.m. They are also requesting an expansion of the hours of live entertainment on Friday and Saturday from 7 p.m. to 2 a.m.

The property is currently zoned downtown business or DT-1 district and the future land use map designates this property and surrounding properties as mixed-use.

Mr. Pemberton shared applicable public policy which includes promoting favorability and synergy among different land uses; encouraging a mix of uses that are appropriate for each district; supporting small businesses; and expanding entertainment opportunities within the City.

This property is also located in the downtown Hampton Master Plan area, and while it's not specifically called out or highlighted in that plan, it does place a priority on creating a vibrant downtown with retail and restaurants.

Staff analysis finds that the proposed restaurant and live entertainment hours are consistent with those previously approved in downtown Hampton and the location supports the extended hours of operation.

Staff recommends 12 conditions including but not limited to, hours of operation Sunday through Thursday 5 a.m. to 12 p.m., and Friday and Saturday 5 p.m. to 2 a.m.; conditions related to the location of indoor live entertainment; window transparency and privacy; security; sound; dancing; Alcoholic Beverage Control (ABC) licensing and expiration; revocation and nullification; and compliance with the

laws.

Staff and the Planning Commission recommend approval of item 23-0312 with 12 conditions.

In response to Councilwoman Mugler, Mr. Pemberton explained that there is currently a type of finishing on the window making it hard to see through during the day. Hampton Police Department (HPD) had an issue with the finishing. Should this use permit be approved, the condition would be to remove the window finishing to make it more transparent.

Mr. Courtney Ray, the applicant, stated that when the business opened in May they had 10 employees. They have now gainfully employed approximately 40 people. His request to stay open later is due to increased business in the evening. They lose a lot of potential income by having to close when they do. He stated that he currently does not plan to stay open until 2 a.m., but would like the option to do so. During the homecoming season, he had to turn down a lot of fraternities and sororities that wanted him to stay open later. This option will allow him to employ more people and generate more income for himself and the City.

Mayor Tuck opened the public hearing. There were no speakers signed up so he closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Hope Harper, that this Use Permit be approved with twelve (12) conditions. 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

9. [23-0351](#) Use Permit Application No. 23-0351 by SCI Virginia Funeral Services, LLC to Permit a Cemetery Located at the Unaddressed Parcel at the Northwest Corner of Coliseum Drive and Hampton Roads Center Parkway [LRSN 13005223]

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

Ms. Bunting stated that Mr. Pemberton would be making this presentation.

Mr. Pemberton explained that this application is to permit the expansion of the Hampton Veterans Memorial Gardens on the parcel located at the intersection of Coliseum Drive and Hampton Roads Center Parkway. He shared a map and an aerial image showing the location of the site in the Coliseum Central area of the City. The expansion would include burial plots, and no structures or roads are included as part of the expansion.

Mr. Pemberton displayed a general concept exhibit provided by the applicant showing which part of the parcel would contain the expansion and noted that the area along Coliseum Drive would remain the right-of-way.

The property is currently zoned one-family residential, R-11, and is located in the Coliseum central overlay district. The future land use map designates this property and the surrounding properties as public/semi-public.

He shared applicable public policy which includes evaluating land use proposals from a regional, City-wide, and neighborhood perspective; promoting high-quality urban design and site planning compatible with surrounding uses. There are also community facility policies and objectives that highlight the desire to concentrate institutional uses while not overburdening neighborhoods, and promoting the maintenance and reinvestment of existing facilities.

Staff analysis found that the proposal is consistent with adopted policies, and it does promote the maintenance, reinvestment, and preservation of existing community facilities. Recommended conditions include the issuance of permits, fencing, landscaping, cemetery licensing and regulations, compliance with laws, and revocation and nullification.

The applicant, Mr. James Stuart, General Manager of Hampton Memorial Gardens stated that he feels the application is pretty straightforward and doesn't have anything additional to add but would be happy to answer any questions Council has.

Mayor Tuck opened the public hearing. There were no speakers signed up so he closed the public hearing.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Steven Brown, that this Use Permit be approved with seven (7) conditions. 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

## Resolutions

10. [24-0019](#) Resolution Authorizing the Execution of a Lease Agreement Between the City of Hampton and Swingers Golf Club, LLC to Use 13 Acres of Real Property Located at 100 Seldendale Drive

**Attachments:** [2024 Driving Range Lease 100 Seldendale Lease Exhibit A](#)

Ms. Bunting explained that for decades the City has leased a portion of the property located at 107 Dale Drive to the Peninsula Golf Center, formerly known as the Peninsula Driving Range, Incorporated, to operate a golf driving range, as well as to offer golf lessons and sell golf equipment. The current lease has a term from October 1, 2021, to September 30, 2026, with rent of \$10,812 per year, which equates to \$901 per month. During the past several months the City, the Center, and Swingers Golf Club, LLC have been discussing the sale of the driving range business from Peninsula Driving Range, Inc. to the Club, and the creation of a new lease between the City and the Swingers Golf Club. The lease before Council tonight includes the same general terms and conditions as the existing lease between the City and the Center. The new lease would have a term from February 1, 2024, to January 31, 2029. The rent for years one and two would remain at the current rate, and then increase by approximately five percent for years three, four, and five. Staff recommends approval of this item.

The applicant's representative, Mr. Larry Cumming, stated that there is no formal application but wished to compliment the City Attorney's staff, Angela King, for working with the applicant on this.

Mayor Tuck opened the public hearing. There were no speakers signed up so he closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, 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

Ms. Glass read the protocol for public comment.

Mayor Tuck called the first two speakers, Ms. Karen Jones and Ms. Teresa Roundy.

Ms. Jones greeted Council and made the following comments: I'm a little concerned about your statement before about not wanting to have an opinion about the Gaza ceasefire. I came here because of my concern for the two million people who are trapped in Gaza with no place to go. They're victims of genocide. And yes, Hamas did a terrorist attack on Israel, and the proportionate response would have been around 1,200 people but instead, there have been 23,000 people murdered. There are innocent children who are being amputated without anesthesia. There's no food, aid, or anything going into Israel. My concern is, we're complicit in that. We're complicit in the genocide of all innocent Palestinians. I'm not talking about Hamas. I'm talking about the innocent Palestinians who are trapped. They have no place to go. And it's as false for Netanyahu to say, "Oh, you can go somewhere, get out of what's out of the way." There's nowhere to go. I'm requesting please, please, for your humanity, to go and reach out. And if you have any, any humanity, I just can't as a mother, and as a grandmother, please stop the innocent from being murdered, slaughtered, and maimed. Thank you.

Ms. Teresa Roundy made the following comments: I'm a resident of the City of Hampton and I'm here to talk about Barnes Cemetery again. This is a 19-year endeavor that I've undertaken and I've been before Council and many of you. I received, under FOIA it says that the Hampton Community Development Department has no documentation related to the bodies on the locations at 213 and 217 Woodland Road. I want to present the City with documentation of at least 60+ people who have been buried there. I can document back to 1885. The land was purchased by Norfleet Barnes in about 1880. It's two acres and he purchased it as a cemetery, not two acres with a cemetery on it. If you remember the history of Hampton, it was Elizabeth City County, Hampton, and Phoebus Township. Phoebus became a township and 1900 and had their first election to elect the Town Council in 1901. Six members were elected. Two were considered the first two black Councilmen to be elected to a municipality in the State of Virginia. One of those was Norfleet Barnes and his father was John Barnes, who was a United States Colored Troops (USCT), stationed at Fort Monroe. His family plot had been desecrated in 2005. This is kind of what it looked like. However, it probably was not him and his father because vaults did not come into play until around 1910 - 1920. It was roughly maybe about five percent of the population that actually used vaults. When the developer purchased the property, it was deeded as a cemetery. It's like going to Park Lawn and buying Park Lawn and saying, "Okay, we're just going to build on it because it's zoned residential, we can do that." They probed the ground and found 11 vaults. They did not put it in the paper like they're supposed to for notification and next of kin. They



did not go to the court and get permission from the court. They did not get the City permit that's required. They went to the Health Department, but they falsified at least three of those. They did not have an undertaker. Ronald Perkins, owner of Perkins Funeral Home lived across the street. He went over there and asked if they had a funeral director there because they were not marking the vaults.

Mayor Tuck called the next two speakers, Ms. Renee Johnson and Mr. Syed Ismail.

Ms. Johnson greeted Council and made the following comments: I'm a longtime resident of Hampton and a small business owner. I'm here to talk about free bus stop libraries which are very similar to little free libraries. Little free libraries are, take a book, share a book, free book exchanges. I'd like to repurpose newspaper receptacles, turn them into the libraries, and place them near bus stops. The receptacles are weather-resistant, maintenance-free, and very durable. The libraries are also maintenance-free. I think that having free library books or free books near a bus stop can enhance the bus riders' experience and increase access to free books. I already have acquired one receptacle and have my eye on two others. I have sample pictures if anybody would like a visual and I'm here asking for permission and assistance in placing the receptacles so that free bus stop libraries can be established. Thank you.

Mr. Syed Ismail greeted Council and made the following comments: I've been a longtime resident of the Peninsula for over 43 years. I came to Hampton and worked here for 35 years. I go to prayer at a mosque in Hampton almost every day. I'd like to thank the City of Hampton for providing us the Hampton Roads Convention facility where we hold our annual and semi-annual Eid gatherings where 4,000 to 5,000 Muslims from across the Peninsula take part. We are grateful and would like to salute Mayor Tuck, he visited us at that time and welcomed the audience. I think we are grateful for that. The purpose of my talk is to urge the Hampton City Council to reconsider and pass a resolution for a permanent ceasefire in Gaza. The war in Palestine did not start on October 7, 2023. I'd like to underline that fact. Many tens of thousands of innocent Palestinians have lost their lives over the past 75 years before October 7th, and over 23,000 civilians have been killed since October 17th in Gaza. Hamas committed atrocities on October 7th. However, this is miniscule compared to the atrocities being committed by Israel. A friend of ours, Dr. Steve Rosenthal, who retired from Hampton University a few years ago, characterized the terrorism by the people of Palestine as retail terrorism compared to the wholesale terrorism by the State of Israel. The people of Gaza have undergone torture and destruction for the past 16 years. Israel conducts operations called "lawn mowing" regularly against the residents of Gaza. This is not leveling the grass, but leveling of the people. Over 6,000 people have been killed before October 17th alone, a vast number of them women and children. Sophisticated weapons supplied by the United

States (US) have helped a lot in this. Gaza has been a prison and a concentration camp for 2.2 million people who are documented by many international organizations, including a well-known historian from New York, Dr. Finkelstein. The destruction of homes and infrastructure is equal to that of 20 nuclear bombs. No food, water, sanitation, or medical care for the injured. Pope Francis recently commented and said that this is a grave violation of international humanitarian law.

Mayor Tuck welcomed the next two speakers, Mr. Gabriel Marquez and Ms. Karen Sperling.

Mr. Marquez greeted Council and made the following comments: I'm a lifetime resident of Hampton, Virginia and I'm coming to speak on the situation in Gaza and ask the City Council in the City of Hampton to publicly support a resolution for ceasefire. Since October 7th, more than 20,000 Palestinians have been murdered by the Israeli military, most of whom are innocent women and children. For perspective, this would be the equivalent of nearly one of every five people in Hampton being killed. More will die from continuous aggression and accompanying starvation, thirst, and disease caused by this manufactured humanitarian crisis. Among the many reasons men like myself have marched in support of the Palestinian people is because we're black, like nearly half of our City. In our history, one of apartheid and oppression, we share much with the people of Palestine. This day, in spite of social progress, the legacy of segregation mars the community manifesting issues like poverty, which exceeds the national average, and disproportionately affects black people. Because of the sacrifices of those who came before us, we have seen improvements in access and many opportunities. It is for this reason that is our collective responsibility to use any power and resources that we have to support the marginalized and vulnerable people of the world. In particular, the people of Palestine. Without the courage of our ancestors, we would not be standing here enjoying the fruits of their labor and sacrifice. Now it is on us to honor that legacy and stand for those more oppressed than us. To do nothing is fixed silence that will echo for generations and condemn thousands to suffer unheard. Where our ancestors will be remembered for courage, we will be remembered for cowardice. They for compassion, us for indifference in choosing action. On this week for Martin Luther King Day, I ask all of you to remember his words that, "injustice anywhere is a threat to justice everywhere." I ask that you think of the courage of previous generations who gave everything for the opportunities that we have today and the role that is necessary for us to assume in this struggle. I ask that you choose justice and peace. I ask that you support a ceasefire and let Gaza live. Thank you

Ms. Sperling greeted Council and made the following comments: I'm also here to talk about Palestine. I urge you to reconsider your decision to stay out of international

politics or to not make a statement on this because the genocide in Palestine that is carried out by the Israeli military, by the US government, by our taxpayer dollars, affects everyone. This is very much our national issue and an issue for everyone, even at the most local level. As Gabriel said, an injustice anywhere is a threat to justice everywhere. As you mentioned Martin Luther King, Jr., I would like to remind everyone that Martin Luther King, Jr. was expressly against the Apartheid State of South Africa and while he's often misquoted as being in support of Israel, he and his descendants are very expressly against the Apartheid State that is now Palestine. As you can tell, the people of Hampton Roads could not be clearer with our desire for this ceasefire resolution to pass. For us to be continuously and repeatedly ignored, again and again, goes to show that we are not a free people. How can we be a free people, if our governments refuse to represent us, again and again, on something as simple as taking a representative stance to not support a genocide? It cannot be that hard, but unfortunately, it is. It seems to be. So, I would like for you to reconsider your decision and make another try at passing a ceasefire resolution. San Francisco just yesterday, already did as the biggest city to have done that along with over 10 other cities in the US. No one is free until Palestine is free. And that includes all of us. Thank you.

Mayor Tuck welcomed the next two speakers, Ms. Frega Azza and Ms. Frepa Listin.

Ms. Azza greeted Council and made the following comments: Today I would like to address a great urgency and moral responsibility, the dire situation unfolding in Gaza. We find ourselves at a critical juncture in history, witnessing a humanitarian crisis that demands our immediate attention and collective action. The ongoing conflict in Gaza is not just another geopolitical struggle, it is a humanitarian catastrophe. That is the first genocide since the holocaust. The atrocities and the suffering inflicted upon innocent civilians demand our voices to be raised in solidarity. Choosing to remain silent in the face of such profound injustice is not an option. Silence is not neutrality, it is complicity. By staying quiet we become accomplices to the violence and suffering endured by the people of Gaza. It is our moral duty to speak out against injustice and to stand up for those who are silenced. The impact of this conflict extends far beyond the borders of Palestine and Israel. It touches our communities. We have witnessed an alarming rise in hate crimes against Muslims and Jews fueled by false narratives. This is not just a distant conflict. It is a threat to the social fabric of our local communities. In the face of these challenges, Hampton City Council plays a crucial role. I urge you all to take a stand for justice and humanity by passing a ceasefire resolution. This resolution is not just a symbolic gesture. It is a tangible commitment to peace, compassion, and the protection of human rights. By doing so Hampton City Council can send a powerful message that our community stands against injustice and hatred. Let us remember that history will judge us not by just our words, but by our actions. Today,

we have the opportunity to be on the right side of history, to be a flare of hope and compassion in the face of darkness. Together, let us raise our voices, speak out against injustice, and advocate for a ceasefire resolution that reflects the values of peace, humanity, and solidarity. Thank you.

Ms. Listin greeted Council and made the following comments: I would like to start with the powerful words of our Pledge of Allegiance, the Republic for which the United States stands. These words hold deep meaning, signifying our commitment to a nation that stands with liberty and justice for all. Today, I urge you not to let these words become mere rhetoric. Every citizen, including City leaders, bears a responsibility to uphold these ideals. Across major capitals worldwide, millions have taken to the streets echoing a massive call to liberate Palestine from Israel. Hundreds of your constituents have spoken through emails. Who here would like to tell them they are being ignored? This is not a conflict that should be waged in our name or our tax dollars. Innocent men, women, children, and babies should not be killed with weapons funded by our tax dollars. The human toll is staggering. Over 300 healthcare workers in Gaza have been killed. Gaza's health care facilities have been mercilessly attacked, leaving 35 hospitals non-functional, nine partially operational but overwhelmed, and over 23,000 Palestinians killed including 10,000 children. The United Nations (UN) Human Rights Office has expressed serious concerns about Israel's compliance with international humanitarian law, noting violations against civilian infrastructure and the targeting of children and medical personnel. This pattern of attacks is categorized as war crimes. We cannot ignore the gravity of this situation. Our collective humanity calls for action. This City Council holds a position of influence and I urge you to pass a resolution in support of a ceasefire. Let our local voice join the global outcry against the indiscriminate killing in Palestine. The people in this room are seasoned diplomats with knowledge of history. We must not allow misinformation to cloud our judgment. The Palestinian people are enduring ethnic cleansing. This is the first time many of us are witnessing a genocide and it is our duty to stand for justice, accountability, and an end to the occupation. Let us not be silent in the face of injustice. Let us follow suit of cities like Oakland and pass a ceasefire resolution. By addressing the situation in Gaza, we uphold the principles of international law, ethical conduct, and the pursuit of peace. Don't make peace an empty promise. Let's act on the statement of supporting and standing for peace around the world. Thank you.

Mayor Tuck welcomed the next two speakers, Ms. Sahian Nanez, and Ms. Latoya Fleming.

Ms. Nanez made the following comments: When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note. This note was a promise that all men would be

guaranteed the unalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note instead of honoring the sacred obligation. Now it is time to make justice a reality for all of God's children. I have a dream that one day this nation will rise up and live out the true meaning of its creed, "We hold these truths to be self-evident that all men are created equal. From every mountainside let freedom ring. Let it ring from every village and every hamlet, from every state in every city. Speed up that day when all of God's children, black men, and white men, Jews and Gentiles, Protestants and Catholics will be able to join hands." Those are all words from Martin Luther King's, "I Have a Dream" speech. With all due respect, Mayor, the fact remains, if it weren't for Dr. King's fearlessness and unwavering loyalty to freedom, you wouldn't even have the right to run for mayor. To my countrymen, I hold no malice. To everyone in this Council, I hold no malice, just disappointment. You chose to run. No one forced you. And instead of using this power to fight for what's right, you email me back saying you don't want to publicly take a stance on the genocide. Instead, you use this power to unjustly have a young Muslim American woman who is doing your job of defending democracy, removed from this room, in the state where the Constitution and the Declaration of Independence were written. That is all.

Ms. Fleming greeted Council and made the following comments: I'm a proud resident of the Hampton City community. It's an honor to speak with you all today. First, I would like to acknowledge the wonderful job you guys are doing in the City of Hampton. Growing up across the water, also traveling throughout our great country, as well as abroad, I've grown to enjoy the City of Hampton because of those experiences. We have awe inspiring schools. We also have very budget-friendly and family activities. I sincerely enjoy how the Council begins the meetings with prayer, in which we see the fruits of your labor. I was recently invited to attend the Hampton Clean City Commission Adopt-A-Spot event by Craig Knopp. After attending this event, it motivated me to get my own family into an Adopt-A-Spot program. Knowing that not many children look at volunteering as a fun event. I began thinking, how can I motivate our community and our youth to begin to volunteer? I came up with these three items, three things. We could first, parents along with their children come out once a month if we created theme cleanups. Younger children could dress up in their favorite superhero characters for the cleanup around the City library and then follow the cleanup by viewing the Avengers afterward. Say for a cold day, we could have a day where they come in and have a hot cocoa and we can discuss how they enjoyed the cleanup which in return will build their confidence, knowing that they're doing something good for their community. For our younger adults, we could have incentives that would involve maybe a day at the local skating rink after the cleanup. Also a lunch at McDonald's, etc. What I'm asking today, with the hopes of coordinating with the right people who can assist me with this project, I would like to connect with the Hampton Clean City

Commission for cleanup supplies. My plan is to start on January 27 with my children and friends. We're doing our first cleanup and anyone else that plans on coming out. So if anyone could assist me in getting this done, I would be greatly appreciative. Thank you all for your time.

Mayor Tuck introduced the next two speakers, Ms. Jeannie Franks, and Mr. Craig Knopp.

Ms. Franks made the following comments: I am a US Air Force veteran and a very proud citizen of the City of Hampton. I'm here today to express my concern about the lack of education that notary publics have. As a notary public myself, we're considered public officers, we serve the public, and we serve everybody. We help move businesses forward. We can make any document a legal document. Even though we're not in the front, we're in the back moving the engine of the City. What I want to propose today is that the City of Hampton becomes a pilot City, because, in the state of Virginia, it is not mandatory to have a certification to become a notary public. I would really like to see the City of Hampton which is growing, and witness how it's grown in many other fields, in safety. As public officers in the notary field, we are agents of deterring fraud. Pretty much that's what we are, so we need more education. But we need to make it mandatory so we have consistency across the board. Here in Hampton, we can start right here for the State of Virginia. Hampton City could be the City that could give an example to the rest of the state of how public notaries can actually do a good job. There are so many documents with so many rules that we need to learn from a simple affidavit to a package, to somebody's buying a property. That's a notary signing agent who does that. We get those certifications as well. But I would like to see the City of Hampton doing that, maybe engaging the community college, we can have evening classes, or maybe once a month, at the convention center. Each notary will pay \$10, \$25 per certification for attending the class. It doesn't have to be free, and it's money that will come to the City as well when we go and get our certifications done. So that's pretty much what I wanted to share with you. I think is necessary. There is a cyber notary visual training academy already registered in the City of Hampton, probably the first one here, it was registered in 2019. So we can join forces in that sense. That's all. Thank you.

Mr. Knopp greeted Council and made the following comments: As you guys know, every year we have elections. Virginia can never get away from it every year. And it's kind of monotonous, a lot of stuff. Everybody doesn't know what the positions are. I myself, I like to know as much as I can about Hampton. You guys see that in my emails, I ask a lot of questions here and there. what I'm trying to do is make myself know a little bit more about these positions. This year, the Commissioner of Revenue is up for reelection. so I was trying to see exactly what the Commissioner

of Revenue is. I'm not really sure what they do. I can read it on the website, but I'm not really sure what he does, or what requirements you need to have. If there is a basic job description out there, I see there is a certification process out there as well. I didn't know how much he made. I was just kind of curious about that, about \$197,000 per year. And then I was advised that the state pays some of that the City pays some of that. I saw that there's a Compensation Board of Virginia that has posted a constitutional officer salary document, and on there I saw that it's broken down by population and for the City 137,000 people. I saw that there is a salary with a person who has all certifications, meaning that I believe our current Commissioner of Revenue probably fits that. I saw that it has about \$137,000 or \$138,000 listed for that. My question is, is that the portion that the state pays and then we pay out as Hampton the other \$60,000 or is the \$137,000 a recommendation that the state throws out there that is the max that somebody's supposed to pay? I'm just kind of looking for a little more description on that, but I'll follow up with an email after that. Thank you.

Mayor Tuck introduced the next two speakers Ms. Joan Weaver and Ms. Ashley Hickmann.

Ms. Weaver greeted Council and made the following comments: I am a 62-year-plus resident of the Greater Wythe Avenue area. I am here just to ask for a warm embrace and a listening ear not just hearing to the 23661 Greater Wythe and the Virginia State School for the Deaf and Blind Hampton's campus. I say that because due to impairable damages, we have been reduced to an industrial site. With it environmental, ecological, humanitarian, and social injustices. Pandora's box. As we all know, your zip code determines your health. With that being said, with that industrial site being put in our area, grim days lie ahead. I am happy to say I had the pleasure of going to the Hampton History Museum. And after all the detriments that have been done to us. I am asking that the Council, the City of Hampton, will support totally and wholeheartedly the placement of the Virginia State School for Deaf and Blind history to be included as a permanent exhibit at that museum. I had the privilege of speaking to Ms. Cohen, the Executive Director, and Ms. Helms 80 plus years, and they all, with our dialogue, shared my concern that we should not be reduced to what we have. It still bothers me greatly how Staunton Campus Virginia State School for the Deaf and Blind is still trying to act like we the dark-skinned children who needed a special school because of the prejudices associated with the nation in Virginia at that time, still try to act as though we don't exist. That permanent placement will validate and prove it all. Also would like to ask regarding our area and signs being placed regarding semi-trucks coming, especially through Catalpa Avenue, we border this project and out of all the streets, we have the greatest dimensions. We have had tractor-trailers park on these hitches and do every and everything you can think. We are not a truck depot, a truck stop. Hampton City

Council you approved that industry, you find a site that these men and women should have to comfortably sit in place and do what they need to do. We didn't ask for it. You brought it. Please resolve that. And last but not least, all those who support and believe in education be it red, black, yellow, or white, Virginia State School for the Deaf and Blind. Let that history resound. It will not die. Thank you.

Ms. Hickmann greeted Council and made the following comments: I'm the founder of Jash Initiative, which is a nonprofit organization. I'm also a longtime resident of the City of Hampton. I just wanted to stop by and bring some awareness of a new event that we have coming up on March 15, from 9:30 a.m. to 12:30 p.m. We'll be partnering with Virginia Peninsula Community College and bringing an event called Other Than College Youth Career Fair. It is a career fair that is catered to high school seniors who do not want to go to college. It will include industries in the workforce departments, local entrepreneurship businesses, and high-scale entrepreneurship businesses. So far, we do have a partnership with Hampton City Schools. They've agreed to be on board and transport at least 50 high school students to the actual fair giving us at least 200 students. We're just simply asking for the support of Hampton City and the Council. Thank you.

Mayor Tuck welcomed the final speaker, Mr. Syed Mohammed.

Mr. Mohammed greeted Council and made the following comments: According to the United Nations, the definition of genocide means any of the following facts committed with the intent to destroy, in whole or in part, the national, ethnic, or racial religious group, including deliberately inflicting on the group conditions of life calculated to bring about the physical destruction in the whole in part and all these conditions are apply on the Gaza and Palestine. The people of Palestine their human rights, not destructive. People in Palestine are under a genocide inflicted on them by the Israeli government. They are being stripped of their rights to access food, water, and electricity. The necessity of life. These are the facts, not my opinion. So, please, you can think about this as not the opinion I'm giving here. These are the facts. We have to believe how we can respond to these things. It never happened in this century. The United Nations lost 133 persons in this time, in this short time. It's never happened in the history of the United Nations so the situation is very critical, I think. We don't want to hear that you stand for peace and if your action doesn't allow you to estimate, we no longer want to sit back and hear the promises. We have to act to stop this killing and genocide. I am urging that if you can, approve this resolution for peace. Thank you.

Ms. Bunting stated that Mr. Jason Mitchell, Public Works Director, would be happy to help make the connection to the Hampton Clean City Commission for anyone who wants to connect with that program.



Ms. Bunting stated that the City has, in the past, had an exhibit for the Virginia School for the Deaf and Blind at the Hampton History Museum, and thinks it is a good idea to have one again. She will be happy to get the museum staff to look to see when an exhibit can be worked into the rotation.

In regards to the questions about the Commissioner of Revenue, Ms. Bunting explained that the position is vested with the state income tax which is why the state pays part of the salary. They also do a range of other functions including the assessment and collection of local taxes. The compensation board salaries are the minimum required salaries. Localities often choose to exceed that for all employees and not just the Constitutional officers. The pay for Constitutional officers has lagged behind the market so localities will often pay higher salaries. Hampton's Commissioner of Revenue is the fourth longest-serving Commissioner of Revenue in the Commonwealth which is why his salary would be quite a bit more than the minimum.

Ms. Bunting addressed the request for Hampton to require notaries to get certifications. She explained the Dillon Rule which means the local Council cannot enact a law unless the state has given express permission for us to enact that law. That express permission can come in one of two ways, the City charter or the state code. Without that express permission, the Council does not have the ability in the charter. She does not believe it is in the code since the speaker mentioned that there are no mandatory requirements in Virginia.

Ms. Bunting stated that the bus top libraries are a great idea and that the City would have to work with Hampton Roads Transit (HRT) to put anything adjacent to, or on, the bus stop properties because that is a regional function. She shared that Assistant City Manager Brian DeProfio would get the information to connect the speaker with HRT.

In regards to Barnes Cemetery, Ms. Bunting stated for the record that concerning those previous actions that Ms. Roundy mentioned about the property owner relocating graves in the area, the City filed criminal charges against the property owner for the disinterment of the bodies without the proper City permits. The court determined the property owner did not have criminal intent and dismissed the charges. The Hampton Police Department, Commonwealth's Attorney, and Codes Compliance Department were all involved and ultimately determined that any remaining issues were civil in nature and remedies should be pursued by private parties. This means that while we understand and care about the issue, these are civil issues in nature based upon the guidance that we've gotten from the Commonwealth Attorney and our legal staff. She stated that there's a lot more behind

the issue but wants the general public to understand that the City tried to do everything they could when they became aware of that in the past. If they do become aware, if they have an understanding of issues there, they'll certainly ensure that any parties are aware of the law and what is required.

## GENERAL ITEMS

### Appointments

11. [23-0198](#) Consideration of Appointments to a Hampton VA 250 Committee  
A motion was made by Councilmember Chris Bowman and seconded by Councilmember Martha Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 1/24/2024. The motion failed by the following vote:
12. [23-0363](#) Consideration of Appointments to the Board of Zoning Appeals  
A motion was made by Councilmember Bowman that Council recommend appointment of Travis Rhodes to a first term until December 31, 2028, and Alicia Miller to serve as an alternate until October 31, 2027. 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
13. [24-0005](#) Consideration of an Appointment to the Planning Commission  
A motion was made by Councilmember Chris Bowman that Brian Deprofio be appointed in the place of Steve Bond as the City Manager's representative. 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
14. [24-0024](#) Consideration of an Appointment to the Animal Control Advisory Committee  
A motion was made by Councilmember Chris Bowman to reappoint Victoria Wineland (Certified Animal Health Care Professional) to a second term expiring on December 31, 2026. 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

15. [24-0025](#) Consideration of an Appointment to the Hampton Senior Citizens Advisory Committee

A motion was made by Councilmember Chris Bowman to appoint Jamie Chapman to fill the unexpired portion of a term until March 30, 2026. 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

16. [24-0029](#) Consideration of an Appointment to the Hampton Redevelopment & Housing Authority (HRHA)

A motion was made by Councilmember Chris Bowman to appoint Joyce Melvin-Jones to fill the unexpired portion of a term until June 30, 2024. 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**

**MISCELLANEOUS NEW BUSINESS**

There were no items of new business but the Mayor reminded those in attendance of the Hampton Heroes event on January 15th.

**ADJOURNMENT**

The meeting adjourned at 8:18 p.m.

**Contact Info:**  
Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

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